

**GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)**

**Indian Railway Establishment Code  
Sixth Edition- 2020**

**PREFACE**

There are two volumes of Indian Railway Establishment Code - Vol. I was last revised in 1985 and Vol.II in 1987. Similarly there are two volumes of Indian Railway Establishment Manuals - Vol. I was last revised in 1989 and Vol.II in 1990.

2. Establishment rules and procedures have undergone several changes in past few decades. Hence necessity was felt to bring about consolidation, delegation, simplification and updation of the relevant rules. It was decided to merge both the volumes of Indian Railway Establishment Codes and some relevant chapters/rules of Indian Railway Establishment Manuals into a single volume of Indian Railway Establishment Code (IREC) to be issued by the President in exercise of powers conferred on him by the proviso to Article 309 of the Constitution of India . Further, instead of continuing with Indian Railway Establishment Manuals (IREMs) as separate rules, it was decided to have a separate volume each on **Rules for Non-gazetted staff of Indian Railways** and **Railway Welfare Rules**, to be issued under Railway Board's powers. The provisions and Chapters included in the present edition, subject to what is stated in Paragraph 3 below, supersede all the rules and orders on the subject contained in 1985 edition (IREC Vol.I ) and 1987 edition (IREC Vol.II) to the extent these have been revised and incorporated in this volume.

3. The revised edition will have twenty Chapters . The Chapter-6 dealing with Medical Attendance Rules stands deleted. Railway employees, their spouse and eligible dependent(s) will be entitled to medical facility as detailed in Chapter – VI and other relevant chapters of Indian Railway Medical Manual, 2000 (Third Edition) as amended from time to time. Contents of Chapter 8 and 12 of the IREC Vol.I (1985 edition) dealing with Staff Benefit Fund and Compensation for injuries and losses etc., have not been included in this edition, but would be incorporated in the **Railway Welfare Rules**. Contents of Chapter 10 dealing with State Railway Gratuity Rules have been dropped because of their irrelevance in today's context. Chapter -19 on Confidential Report was deleted from the Establishment Code in 2001, hence stands deleted.

4. The revised edition has been made more comprehensive by adding relevant chapters / para, as detailed below, of the existing Indian Railway Establishment Manuals - Vol. I ( 1989 edition) :

- i. Rules 120 (iii) (Rules for Recruitment of Gr. C & D Staff )of Chapter-I included as Rule 224 (service agreements ) in Chapter -2
- ii. Rules 327 to 341 ( Section-B Gazetted - Rules regulating Seniority ) Chapter –III have been included as Rule 214-A in Chapter -2
- iii. Chapter- XIV (forwarding of applications from serving Railway employees for posts outside Railways ) included as Rule 244(2) to 244(12) in Chapter -2.
- iv. Chapter - XII (Change in Name) included as Rule 245 in Chapter -2
- v. Chapter - VII (other compensatory allowances) included as para 1420 to 1423 in Chapter – 14

5. Relevance of several Chapters in APPENDIX has been revisited. Appendix-I dealing with the Railway Services (Conduct) Rules, 1966 and Appendix-II dealing with instructions for the submission receipt and transmission of petitions to the President of India may be included in the Railway Servants (Discipline & Appeal) Rules, 1968. Appendix–III dealing with rules regulating the Compassionate Fund of the Government of India may be included in the Railway Welfare Rules. Appendix- IV concerning the Provident Funds Act, 1925 is dropped. Appendix-V relates to study leave rules as per rule 556 of Chapter -5, hence included as an Annexure after the Leave Rules. This edition will have three appendices: Appendix –I (earlier Appendix- VI of R-1) dealing with delegations made by President with reference to rule 103(11), Appendix – II (earlier Appendix-I of R-2) dealing with rates of contribution payable during foreign service and Appendix –III Concordance.

*Secretary, Railway Board.*

**GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)**

Indian Railway Establishment Code

Volume I

Fifth Edition- 1985

(Third Reprint Edition)

2008

(Embodying All Correction Slips issued upto 127,dated 12.10.2015)

**PREFACE**

The State Railway Establishment Code, Vol. I was originally published in September, 1940. Subsequently four editions were brought out as Indian Railway Establishment Code, Volume I in 1945, 1951, 1959 and 1971 respectively. The 1971 edition has now been revised to incorporate all amendments issued upto 31-12-83 in respect of relevant provisions, and is issued by the President in exercise of powers conferred on him by the proviso to Article 309 of the Constitution of India.

2. The revised edition of the Code is a self-contained compilation made by rearranging the Chapters of 1971 edition after simplifying and rationalizing the existing rules. The provisions and Chapters included in the present edition, subject to what is stated in Paragraph 3 below, supersede all the rules and orders on the subject contained in 1971 edition to the extent these have been revised and incorporated in this volume.

3. Contents of Chapter II, III, IV & V of the 1971 edition dealing with Travelling Allowance, Compensatory Allowance, House Rent Allowance and Overtime & Running Allowance, have not been included in this edition, but would be incorporated in the revised edition of Establishment Code Volume II. Contents of Chapters VIII and XIV dealing with 'Passages' and 'Sterling Accounts' have been dropped because of their irrelevance in today's context. Contents of Chapter X on 'Language Examination' have been merged with the Chapter on 'Recruitment'. Contents of Chapter XI regarding 'Educational Assistance' have not been included as the relevant material is contained, in Establishment Manual. Contents of the entire Chapter XVII dealing with 'Discipline' have also been excluded as these Rules have already been published in a separate booklet.

A. N. WANCHOO,  
*Secretary, Railway Board.*

### **Preface (First Reprint)**

This edition is a reprint of Indian Railway Establishment Code, Vol. I, incorporating additions and alterations issued upto Correction Slips No. 38 dated 21-10-1995. Chapter VI has, however, been modified in this reprint by deleting the obsolete provisions.

New Delhi,  
2-1-1996.

(Sd/-)  
(S. SURYANARAYANAN)  
*Secretary, Railway Board.*

### **PREFACE (Second Re-print)**

This edition is a reprint of Indian Railway Establishment Code Vol.I 1985 edition, incorporating additions and alterations introduced through Advance Correction Slips issued upto **Number 88, dated 19-06-2003.**

New Delhi.  
Dated :Oct.'2003

(Sd/-)  
( **R. R. Bhandari** )  
*Secretary ,  
Railway Board*

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# Chapter - 1

## General

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**101. Scope and extent of Application.**—This Chapter and the next contain the rules governing general conditions of service applicable to all 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 code 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 Railway Act, 1989

(3) **Actual travelling expenses** means the actual cost of transporting railway servant with his attendant and personal luggage.

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

(4) (A) **Act Apprentice** means an apprentice as defined in Apprentice Act, 1961 and modified from time to time.

(5) **Average Pay** means the average monthly pay earned during the 10 complete months immediately preceding the month in which the event 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 in pay scale/level in pay matrix as applicable to the Junior Scale officers.

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

(8) Deleted

(9) Deleted

(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 -I.

(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 holding a functional post in Sr. Scale (level-11 in pay matrix) in group 'A' including those officiating in such posts as well the Indian Railway Health Service (IRHS) officers in Sr. Scale.

(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) Deleted.

## 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 the stipulated time period.

( 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 test 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.)

(17) **Family** means a railway servant’s wife/husband, legitimate children and step children 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.

(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 Competent authority 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 akin 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 is posted.

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

(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 from 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 anybody which may be specifically notified by the President as such.

(30) DELETED

(31) **Ministerial Servant** 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.**—

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The President has decided that those members of 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.

(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.

(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 a cadre.

**Scope of the term “probationers”**—

- (a) The term “probationers” does not cover a Government servant who holds 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.

(41) **Public conveyance** means a train, steamer or other conveyance like buses 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** (Pay Bands & Grade Pay / Pay level in Pay Matrix) - Pay Band and Grade Pay have the same meaning as defined in Railway Services (Revised Pay) Rules, 2008. Level and Pay Matrix have the same meaning as defined in Railway Services (Revised Pay) Rules, 2016.

(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 pay drawn in running Pay Bands and Grade Pay as per Railway

Services (Revised Pay) Rules, 2008 and also the Pay Levels in Pay Matrix introduced as per Railway Services (Revised Pay) Rules, 2016.

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

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

(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.

#### **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

- (1) 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.
- (2) appointed on or after 1<sup>st</sup> January 2004, who are covered under National Pension System, 2004, modified from time to time, shall be non-pensionable.

### **CLASSIFICATION OF SERVICES**

**106.** For the purpose of these rules, the railway services shall be classified as follows with effect from 08.01.2010 :

**(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 (till the posts are upgraded to PB-1 Grade Pay 1800)

**Note :** The following posts in the Secretariat of Ministry of Railways (Railway Board) classified as Group-B (Non-Gazetted) in the respective service rules will continue to retain such classification irrespective of above position.

- i. Assistant Section Officer (ASO) – Level-7
- ii. Personal Assistant (PA) – Level-7
- iii. Senior Translation Officer (STO) – Level-7
- iv. Junior Translation Officer (STO) – Level-6
- v. Assistant Programmer – Level-7

**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 person placed in higher Grade Pay / Pay Band through in-situ promotion scheme / ACP or MACP Schemes will continue to retain the classification of his Basic Post.
- 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.
- The Assistants of Railway Board Secretariat Service & Personal Assistants of Railway Board Secretariat Stenographers Service will continue to be classified as Group 'B' (Non-gazetted) as laid down in respective service rules.
- 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

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**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) Adviser, Railway Board
- (3) Principal Executive Directors, Executive Directors, 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 Service;
- (6) Indian Railway Traffic Service;
- (7) Indian Railway Service of Mechanical Engineers;
- (8) Indian Railway Service of Electrical Engineers;
- (9) Indian Railway Service of Signal Engineers;
- (10) Indian Railway Health Service;
- (11) Indian Railway Stores Service;
- (12) Indian Railway Personnel Service;
- (13) Indian Railway Protection Force Service;
- (14) Such posts in general Administration and Miscellaneous Departments (e.g. Chemical & Metallurgical Department, Cash & Pay Department.)

Note – 1. The existing service of Indian Railway Medical Service was renamed as Indian Railway Health Service vide Railway Board's letter no. 2020/E(GR)I/16/1 dated 15.01.2020.

2. The existing service of RPF was renamed as Indian Railway Protection Force Service vide Railway Board's letter no. 2013/E(GR)I/36/10 (Part-I) dated 30.12.2019.

**Group 'B'**

Gazetted posts not included in Group A

**Group 'C'**

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

**109. Scales of Pay of Groups A & B Railway Servants.**— The Revised Scales of Pay (Pay level in pay matrix as per RSRP rules 2016) 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.

**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.

**Note.**—Provided the total number of sanctioned gazetted posts in any grade (Principal Heads of Departments, 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 of 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 and Indian Railway Protection Force Service) posts on Indian Railways shall be fixed in accordance with the principles stated below:--

(1) Separate cadres shall be maintained for each 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 in grades as classified in RSRP Rules.

- (i) Higher Administrative Grade Plus
- (ii) Higher Administrative Grade
- (iii) Senior Administrative Grade
- (iv) Selection Grade
- (v) Junior Administrative Grade
- (vi) Senior Scale
- (vii) Junior Scale/Group 'B'

(b) The General Working posts (including Apex), that is posts required for general purposes of the railway which may be filled by gazetted railway officers of any service may normally be determined and divided in proportion to the sanctioned strength of each cadre.

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

(d) The total number of posts thus arrived at for each grade in a department shall form 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 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 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 form 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 posts.

- (2) No officer in Group A shall in the normal course hold any of the posts, beyond 5 years in Railway Board, RDSO and CTIs .
- (2A) Tenure of Divisional Railway Manager is 2-3 years while the normal tenure of Additional Divisional Railway Manager is 3 years and Additional General Manager is 2 years.
- ( 3 ) Confirmation in tenure post is dispensed with.

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

**119. In the Railway Board and attached offices.**—The number and character of Group C 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. Any other authority to whom the powers may be specifically delegated by the Railway Board may create 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 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** ( Pay Level in Pay Matrix) of all the posts in Group C shall be as per the RSRP Rules 2016. The introduction of a new revised scale (Pay Level in Pay Matrix) for a particular category shall require the concurrence of Ministry of Finance and approval of President.

**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 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 under their control provided they are not inconsistent with any rules made by the President or the Railway Board.

## Chapter - 2

### General Conditions of Service

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## **Recruitment, Training, Promotion and Seniority in 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 posts on a railway shall be filled by 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. Bunching of recruitment should be avoided such that annual direct recruitment to any Cadre is kept at 3 % of the Total Duty Posts.

**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) Deleted
- (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 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 as prescribed in Recruitment Rules and instructions issued by Railway Board from time to time.

**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 Standards 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/ ACS 128)

(2) If the quota reserved for Group 'B' Officers for promotion to junior scale is not fully utilized, 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.—** 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 not less than 4 years' service in the junior scale.

**(D) Promotion from Senior scale to higher grade posts.—**

(1) Promotions to the Administrative Grades are normally 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) Promotion from Senior Scale to Higher grades shall be governed by the extant Recruitment Rules and Resolutions of Railway Board.

**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 Finance Advisor/ Assistant Divisional Finance Manager 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) Accounts Department (h) Personnel Department (with some specified categories of staff other than Personnel department also being eligible as per Board's instructions to appear in the selection of APO) are reserved for being filled through Competitive Examination limited to departmental candidates.

*(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.

211-A:- The revised scale of Level 10 to Group 'B' Officers of all organized services other than officers of Accounts Departments will be granted after completion of four years regular service in the grade of Level 8. For Group 'B' Officers of Accounts Department, the revised scale of Level 10 will be granted after completion of four years' service in the grade of Level-9.

The revised scale of Level 10 may be operated to the extent of 100% of the Group 'B' Officers on roll including Group 'B' Officers officiating in the revised scale Level 11 on ad-hoc basis (subject to fulfillment of eligibility conditions) in respect of all organized services, with effect from the date of publication of these rules (08.03.2018 ) and thereafter with effect from 1st January and 1st July of subsequent years.

(Authority: Railway Board's letter No. PC-VII/2017/RSRP/1 dated 08.03.2018 / RBE No. 37/2018)

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

**213. Officiating promotions in Group B posts.**—Subject to the provision of Rule 212 the General Manager may order officiating promotions in Group B when there is a permanent vacancy in the Group B cadre or a permanent post is vacant in higher grade only through a positive act of selection i.e. written examination followed by viva-voce and normal rules of Group B selection should be followed.

**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) Deleted
- (c ) an officer in Junior Scale Group A to officiate in Senior Scale.
- (d) a Senior Scale officer to officiate in Junior Administrative post on ad-hoc basis.
- (e) Deleted
- (f) Deleted

**214 A:- Fixation of Inter-se-seniority of Direct Recruit Group A officers and Promotee Gr. B officers (of eight organized Railway Services), on induction to Group 'A' Junior Scale.**

1. This rule is related to determining the relative seniority of Group 'A', Junior Scale officers of all the services on Indian Railways except the officers of Medical, Indian Railway Protection Force Service, Chemists and Metallurgists, Printing and Stationery, Rajbhasha departments and other miscellaneous categories.
2. The Seniority of officers, appointed to various Indian Railway Services Group 'A' , Junior Scale shall be determined on the basis of the year of allotment to be specifically made in each case in accordance with the principles in the following paragraphs.
3. Unless otherwise stated, officers appointed to the Indian Railway Services Group 'A' (earlier referred to as Class-I) on the basis of competitive examinations held by the Union Public Service Commission upto 2005 Examination batch and Special Class Railway Apprentices (SCRAs) upto 2002 Examination batch, shall count service for seniority, from the date they commence earning increments in the regular scale as Junior Scale Officers in Group 'A' (earlier referred to as Assistant Officers) subject to the condition that the inter-se seniority of officers in each service recruited as probationers in a particular year shall be regulated by their place in the order of merit.
4. Unless otherwise stated, officers appointed to the Indian Railway Services (Group 'A' ) on the basis of competitive examinations held by the Union Public Service Commission (UPSC) w.e.f. 2006 Examination year and Special Class Railway Apprentices (SCRAs) w.e.f. 2003 examination, shall count service for seniority from the year of allotment. The year of allotment of a direct recruit officer shall be the year following the year in which the competitive examination was held. The year of allotment of an SCRA will be fifth year following the year of examination. Provided that if a direct recruit officer is permitted to join probationary training with direct recruit officer of a subsequent year of allotment, then he shall be assigned that subsequent year as the year of allotment. The inter-se seniority of officers in each service recruited as probationers in a particular year will be regulated by their place in

the order of merit, which shall be determined on the basis of marks obtained by them during the probationary training and at the competitive examination conducted by the Union Public Service Commission (Apprenticeship training in the case of SCRA's). For this purpose, the marks obtained in the competitive examination conducted by UPSC (Apprenticeship training in the case of SCRA's) and those obtained during probationary training shall be reduced / increased to the base of 2050 and 1250 respectively.

Provided further that if two or more probationers have secured equal number of marks in the aggregate, their order of merit shall be the order of their dates of birth, the older ranking senior.

5. In the case of Group 'B' officers permanently promoted to Junior Scale of Group 'A' services:
  - (1). Officers of a particular department promoted from the earlier panel shall rank senior to officers promoted from the later panel.
  - (2). If two or more than two officers are promoted from the same panel, the relative seniority of officers shall be in the order of their position in the panel.
  - (3). The year of allotment of a promotee officer shall be determined by giving weightage with reference to the year for which the meeting of the Committee to make selection, to prepare the select list on the basis of which he was appointed to the Service, was held and with regard to the continuous service rendered by him in Group 'B' both officiating and permanent upto the 31<sup>st</sup> day of December of the year for which meeting of the Committee to make selection was held to prepare the select list on the basis of which he was appointed to the Service, in the following manner:
    - a. For the total number of years of continuous service in Group 'B', both officiating and permanent, with reference to the year for which the meeting of the Committee to make selection, to prepare the select list on the basis of which he was appointed to the Service, was held he shall be given a weightage of one year for every completed two years of service, subject to maximum of 5 years. Provided the year of allotment of senior in the panel shall not be less than the junior of the same panel.
  - (4). The integrated seniority of the officers on All Indian Railways basis, shall be determined as under:
    - i. The integrated seniority shall be on the basis of the year of allotment, the officers having earlier year of allotment being senior. SCRA and Direct Recruit of the same allotment year shall rank inter-se in the same order, i.e, SCRA followed by Direct Recruit officer of the same allotment year.
    - ii. The inter-se seniority of officers having same year of allotment shall be in the order of the panel
6. Officers permanently appointed to the Group 'A' Junior Scale from the category mentioned at paragraphs 334 above, against quotas of vacancies reserved for them shall be placed below the direct recruits of the same year of allotment, i.e, a promotee allotted to year 2006 after admissible weightage will be placed below the Direct Recruit allotted to year 2006.
7. The seniority of officers, recruited to Group 'A' Junior Scale under the provision of the rules relating to 'Occasional admission of other qualified persons' shall be determined by the Government on the merits of each case.
8. Seniority of the released Emergency Commissioned Officers or Short Service Commissioned Officers appointed to various Indian Railway Services against vacancies reserved for them shall be determined keeping in view the instructions issued by the Cabinet Secretariat/ Department of Personnel and Training.
9. In regard to officers appointed to the Indian Railway Medical Service at Group 'A' Junior Scale level on the basis of Combined Medical Services Examination held by the Union Public Service Commission their inter-se seniority in a particular year shall be regulated by their place in the order of merit.
10. In regard to Senior Scale/ Junior Scale posts in miscellaneous categories viz; Chemists and Metallurgists, Senior Rajbhasha Adhikaris, printing and Stationery department and Organisation of the Chief Mining Adviser, where both direct recruitment and promotion is resorted to, the relative seniority of direct recruits and promotees shall be determined according to rotation of vacancies between the direct recruits and promotees which will be based on the quotas of vacancies reserved for direct recruitment and promotion, respectively in the relevant recruitment rules.

11. In cases not covered by the above principles, seniority of officers appointed to the service shall be governed by such orders as may be issued by the Government in consultation with the UPSC, wherever necessary.

(Authority : Railway Board's letter No. E(O)I/99/SR-6/2 dated 28.02.2003 and Railway Board's letter No. E(O)I/2014/SR-6/11 CC pt dated 05.03.2018, RBE - 33/2018)

## **Recruitment, Training, Promotions and Seniority 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-C level-1  | Under Secretary, Railway Board   |
| (b) Other offices /Projects / Organisations directly under the control of the Railway Board                             | Head of Office/Project/Organisation                                      |
| (c ) Indian Railways and other Railway Administrations e.g. Chittaranjan Locomotive works, Integral Coach Factory, etc. | The General Manager or lower authority to whom he may delegate the power |

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 railway servants in Level-1.

**216.** (1) Group C posts on Indian Railways and other Railway Administrations 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.
- (iv) by Special recruitment as per Railway Board's instructions issued from time to time.

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

**217. Recruitment of Group C staff.** Recruitment of Non-Gazetted staff will be regulated and governed by rules contained in “ Rules for Non- Gazetted Staff” and its subsequent modifications from time to time.

**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 applicable to all Railway Services**

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

- (i) qualifications, age and the Pay level and pay in Pay Matrix applicable for the various posts in the service and important conditions of service, like leave, pension, non-contributory Provident Fund benefits, NPS 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.**

**220. Special reservations.**—The recruitment to Railway Services shall be subject to the reservation of vacancies in favour of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Economically Weaker Sections, Persons with Benchmark Disabilities (PwBD), Ex-serviceman and Course Completed Act Apprentices (CCAA) trained in Railway establishments 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 (3) 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 railway servants.

( 2 ) Deleted

(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 C (Level-1) 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

( 5 ) Deleted

(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 Medical 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.** Deleted

**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.

**224. Service Agreements.** Apprentices/Trainee (Other than Apprentices Act, 1961) will have to enter into an agreement which should inter alia embody the following important conditions. The parent or guardian of the candidate should also be one of the parties to the agreement.

- (a) The period of apprenticeship/ Training.
- (b) The amount of the security deposit, if any.
- (c) The trade or trades in which he will be required to undergo trainings
- (d) Circumstances in which agreement can be terminated by the administration, e.g., physical unfitness, misconduct or failure to qualify in any prescribed test, etc.
- (e) The forfeiture of the security deposit, if any, and recovery of the cost of training at the discretion of the administration in the event of violation of the terms of the agreement by the apprentice.
- (f) No guarantee or promise of employment on completion of apprenticeship.
- (g) 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.

For Group A officers, their service agreement is to be executed as provided in their Recruitment Rules.

**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) 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 PCPO in the case of a non-gazetted staff to alter the date of birth within three years from date of appointment.

- (i) where in his opinion it had been falsely stated by the railway servant to obtain an advantage otherwise inadmissible, 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 a satisfactory explanation submitted within three years' service of date of appointment.
- (iii) where the PCPO is satisfied that a clerical error has occurred, including in the case of illiterate staff, alteration of date of birth may be allowed as per normal rule without any restriction of three years.

**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, or some other reliable document.

(b) In the case of level-1 employees care should be taken to see that the date of birth as declared on entering regular level-1 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 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 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 of Additional Post 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.**—Transfer on mutual exchange may be considered between employees belonging to two different seniority groups either in the same division /HQ/Unit or another division /HQ/Unit, as the case may be. The senior of 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-C (level-1) employees (peons, track maintainers, Khalasi, unskilled and semiskilled, etc.) from one department to another or from one Division to another. Divisional Railway Manager 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, Senior Clerks, Junior Accounts assistant, Commercial Apprentice, Traffic apprentice, ECRC etc.

(Authority: Railway Board's letter No. E(NG)I-2006/TR/18 dated 25.09.2007 & E(NG)I-2018/TR/12 dated 24.08.2018/ ACS 133: RBE - 120/2018)

**232. (a ) Deleted**

**(b) Deleted**

**233. Charge of Office**—The charge of an office must be made over at its headquarters, both the relieving and relieved railway servants being present unless for special reasons by the authority under whose orders the transfer takes place permits.

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 elsewhere 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) Deleted**

(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 Principal Financial Adviser 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) commencement and end of leave, and

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 applicable to all Railway Services**

**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 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)I-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.

(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.—

(1) 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.

(Authority: Railway Board's letter No. 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.)

**Note: - Rules for forwarding of applications to another post in railway service or outside the Railways will be regulated by rules/instruction issued by Railway Board and its subsequent modifications time to time.**

(2) . (a) Railway employees may be given 4 opportunities in a year to apply in response to notices of Government Departments/Public Sector Undertakings/autonomous bodies wholly or substantially financed and controlled by Central or State Government except where holding of any such applications is considered justified in the public interest by the competent authority.

(b) Applications in response to UPSC advertisement will not be counted against the four opportunities mentioned above.

**Note :** (1) The authorities should interpret the term 'public interest' strictly subject to the condition that forwarding of application should be the rule rather than the exception. In taking the decision to withhold the application the competent authority has to balance the interest of the state against the necessity of causing hardship to the individual.

(c) While it is not feasible to lay down the specific exhaustive guidelines for withholding of applications, some of them can be listed illustratively as follows :—

- (i) The Railway employee is engaged on important time-bound projects and the work would be seriously dislocated if he is relieved.
- (ii) A railway employee is under suspension
- (iii) Disciplinary proceedings are pending against him and a charge sheet has been issued.
- (iv) Sanction for prosecution, where necessary has been accorded by the competent authority
- (v) where a prosecution sanction is not necessary, a charge-sheet has been filed in a Court of law against him for criminal prosecution.
- (vi) Where he is undergoing a penalty — no application should be forwarded during the currency of such penalty.
- (vii) When the conduct of a Government servant is under investigation (by the CBI or by the Controlling Department) but the investigation has not reached the stage of issue of charge-sheet or prosecution sanction or filing of charge-sheet for criminal prosecution in a court, the application of such a Government servant may be forwarded together with brief comments on the nature of allegations and it should also be made clear that in the event of actual selection of the Government servant, he would not be released for taking up the appointment
- (viii) A railway employee is applying for a post which is equivalent in status and rank.

(Authority: Railway Board's letter No. E(NG)/78/AP/I dated 27-2-1979)

**(3). Authorities competent to forward applications.**—Applications of staff and officers below Junior Administrative Grade may be forwarded by the General Manager or by the lower authority to whom he may further delegate these powers. When, however, the lower authority decides to withhold an application it should be done only with the approval of the General Manager or the Head of Department concerned.

Applications of Officers of the Junior Administrative Grade and above in response to vacancies notified by Railway PSUs/Autonomous Bodies for appointment on deputation basis may be forwarded to the PSUs/ABs with the approval of General Manager. Applications of officers of the Junior Administrative Grade and above for deputation to other than Railway PSUs/ ABs may be forwarded to the Railway Board for disposal. Orders for deputation of the officers in all cases shall be issued by the Railway Board.

(Authority: Board's letter No 2018/E(O)II/41/dated 7.3.2018 addressed to the CMD/MDs of all Railway PSUs & Autonomous Bodies and copies endorsed to all Indian Railways & PU's)

**(4). Application for employment in a private concern.**—When a railway employee desires to apply for a post in a private concern he should first offer to resign or retire from railway service. For this purpose, any employment other than the employment under the Central Government or State Government, public sector enterprise wholly and partly owned by the Central Government or a State Government or an autonomous body wholly or substantially financed and controlled by the Central Government or a State Government will be treated as a private employment.

(Authority: Railway Board's letter No. E (NG) 57 RC1/56 dated 21-1-1961 and E (NG) 1/84 AP/9 dated 11-4-1986]

**(5). (1) Retention of lien on selection on the basis of the forwarding of application :—**

- i. If a permanent railway employee is selected on the basis of his application for posts in other Central Government Department/Offices, his lien may be retained in the parent department for a period of 2 years. If the employee concerned is not permanently absorbed within a period of 2 years from the date of his appointment in the new post, he should immediately on expiry of the period of 2 years either resign from Railway service or revert to his parent cadre. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.
- ii. Temporary railway servants with less than 2 years service will be required to sever connections with railways in case of their selection for outside posts.
- iii. When a permanent railway servant has joined a department/office where he is not confirmed within a period of 2 years due to some reasons, he may, in exceptional cases, be permitted to retain the lien in the parent department/ office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the railway employee.
- iv. Timely action should be taken to ensure extension/ reversion/ resignation of railway employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employee does not respond to instructions, suitable action should be initiated against him for violating the agreement/ undertaking given by him as per (i) and (iii) above and for termination of his lien.

**(2) Termination of Lien :-**

- i. A Railway servant's lien on a post may in no circumstances be terminated even with his consent if the result will be to leave him without a lien upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post. It will not be correct to deny a Government servant lien to a post he was holding substantively on the plea that he had not requested for retention of lien while submitting his Technical Resignation, or to relieve such a Government servant with a condition that no lien will be retained.
- ii. A Railway employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or a State Government) outside the cadre on which he is borne.
- iii. No lien shall be retained:
  - (a) 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
  - (b) on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

**(6). Continuity of service on technical resignation :—** A permanent railway servant appointed in another Central Government Department/Office has to resign from his parent department unless he reverts to that department within a period of 2 years or 3 years in exceptional cases. Such resignations shall not be deemed to be resignation within the meaning of Rule 41(2) of Railway Services (Pension) Rules, 1993 for the purpose of pension. As a consequence, continuity of service benefits should be allowed to such employees in the matter of leave also i.e. the railway employee will be allowed to carry forward the leave earned by him, not only on the Railway but that earned during the temporary service or probation in the Civil Department also.

**(7).** The applications of railway employees for posts under State Government and their undertakings etc. may be forwarded subject to the provisions of para (5) and instructions issued from time to time and within the limit laid down for forwarding applications for outside posts.

**(Authority:- Railway Ministry's letter No. E(NG)I/2006/AP/2 dt. 30.3.2006)**

**(7-A) : Forwarding of applications for posts advertised by Central/ Public Sector Undertakings/ Central Autonomous Bodies :—** Applications of Railway servants in response to press advertisement for posts in Central Public Enterprises/Autonomous Bodies may be forwarded with a clear understanding with the Railway servants that in the event of

their selection for the post applied for they will sever their connections with the Railways before joining the Public Sector Undertakings/ Autonomous Bodies. There is no question of retention of lien in such cases. A Railway servant selected on the basis of his application with proper permission for post in Central Public Enterprises/Central Autonomous Bodies will be required to give his/her technical resignation before his/her relief from Railway service. The Railway servant may thereafter be relieved to take up appointment in the Public Sector Undertaking/ Autonomous Body. The relieving order should indicate the period within which the official should join the Public Sector Undertaking/ Autonomous Body. Normally this period should not be more than 15 days. This period may be extended by the competent authority for reasons beyond the control of the official. Necessary notification/ orders accepting the resignation of the Railway servant from Railway service should be issued from the actual date of his/her joining the Public Sector Undertaking/Autonomous Body. The period between the date of relieving and the date of joining Public Sector Undertaking/ Autonomous Body can be regulated as leave of the kind due and admissible and if no leave is due, by grant of extra ordinary leave. In case he/she is not able to join the Public Sector Undertaking/Autonomous Body within the period allowed by the competent authority, he/she should report back to the parent office forthwith.

**(8) . Permission for applying for posts advertised by International Organisations/ Foreign Governments:—** Railway servants may apply in response to open or public advertisement of vacancies by the International Organisation and Foreign Government's with the prior permission of the cadre controlling authority concerned. In rare cases, when the time available for submitting the application is short, a 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 of whether the Railways 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 a Railway servant concerned and the cadre controlling authority/ Government and latter will not correspond with the international organisation/ foreign Government on the subject.

(Authority: Railway Board's letter No E(NG)I-96/AP/2(2) dated: 16.8.99)

**(9). Forwarding of applications from railway employees to U.P.S.C.—**The Railway employees who wish to appear at the competitive examination conducted by UPSC or wish to apply for posts, recruitment to which is proposed to be made by selection through UPSC may submit their complete applications in the prescribed form direct to UPSC. They should, however, immediately inform the Head of their office/ department giving details of the examination/posts for which they have applied requesting him to communicate his Permission to the Commission directly. In case the Head of Office/ Department considers necessary to withhold the requisite permission, he should inform the Commission within 30 days of the closing date for the receipt of the applications. In case no such communication is received from the Head of Office/Department, it shall be presumed by the Commission that there is no objection on the part of the employing department to the candidature of the Government employees in question to be considered by the Commission.

(Authority: Railway Board's letter No.E(NG) II/79/AP/2 dated 31-1-1979).

**(10). Issue of 'No Objection Certificate' for registration of name with the Employment Exchange.—**Permanent railway employees and railway employees with more than 3 years' service are allowed to register their names with the Employment Exchange for a higher post under the Government / Public Sector Undertakings/Autonomous bodies on production of a 'No Objection Certificate' from their employers. . 'No Objection Certificate' in such cases may be granted subject to the following conditions :—

(i) the railway employee should register only for a post higher than the one he is holding under the Govt. In cases of doubt as to whether the post for which a permanent employee intends to register his name with the Employment Exchange is higher than the one he is holding under the Govt. the decision of the Head of Office/Department shall be final.

(ii) On being selected for appointment by the Govt. Department/Public Sector Under taking/Autonomous bodies for the higher post, he may be treated as on deputation/Foreign service for a period one year only. On the expiry of this period, he should either revert to the parent department or resign his post under the Railways.



(iii) Once an employee has reverted to the parent department after spending a year outside, he should not be allowed a 'No Objection Certificate' to register his name once again for a period of at least 2 years.

(Authority: Railway Board's letter No E(NG) III/70/AP/1 dated 22-2-1971)

**(11). Refund of cost of training and enforcement of bond-money in respect of railway employees who secured employment elsewhere on the basis of their duly forwarded applications—**

"(i) Non-gazetted Railway employees who have received training at Railway expense whether in the form of an ' induction training ' or in a specific avocation may be exempted from refunding the cost of training in the event of their selection to other posts under the Central or State Govt. or in Public Sector undertaking / Autonomous Bodies wholly or substantially owned/financed /controlled by the Central Government or a State Govt. However, a fresh bond should be taken from such employees to ensure that they serve the new employer for the balance of the original bond period. The Railway Administration with whom the employee has executed the original bond, may at the time of forwarding of his application (and if it is not possible, before his release) for another post, may write to the department/organisation under whom the employee intends to take up another appointment, intimating them about the bond obligation of the individual and clarifying that in the event of his selection for the new post, his release will be subject to the condition that the new department/organisation obtains from him a fresh bond binding him to serve them for the balance of the original bond period and in case he fails to serve the new department/Organisation, or leaves it before completion of the original bond period, for a job, where exemption from bond obligation is not available. The proportionate bond money should be realised from the individual and refunded to the Railway Administration, with whom he had originally executed a bond. The Ministry/Department/Organisation where the person a newly employed, should also duly intimate the original Ministry /Department /Organisation, the fact of a fresh bond having been executed by the person concerned.

(Authority: Railway Board's letter No. E(NG) I-89/AP/5 dated 25-6-98)

(ii) Exemption from recovery of the training expenses in terms of this para includes payments made to an individual in the shape of training allowance or stipend. The instructions are not restrictive but cover all aspects of training including Apprenticeship. It is also clarified that exemption from recovery of expenses applies to all types of expenditure—direct or indirect—including payments made as training allowance or stipend.

(iii) These instructions also apply to cases where a railway employee has been selected for a post/service (other than private employment) for which he had applied before joining the Railway, with whom he had executed a bond.

(Authority: Railway Board's letter No.E(NG) II/77/AP/6 dated 9-2-1979 & E(NG)I/84/AP/9 dated 11-4-1986)

(iv) Provision contained in the above para are applicable to all the railway employees including gazetted officers, probationers and special class railway Apprentices during apprenticeship training, probationary period and also where they are occupying working post.

[E(NG) II/79/AP/9 dated 3-7-79].

**(12). Transfer in the Public Interest**

The orders contained in the above paragraphs do not apply in the case of railway servants sent on transfer as a result of their applications for appointment having been forwarded through proper channel or when it is arranged in consultation with the Head of the Department in which they were previously employed by virtue of their special qualification and/or experience. The transfer in such a case will be treated as in the public interest. Temporary railway servants, if transferred, may be allowed to carry forward leave on average pay at their credit.

**245:- CHANGE IN NAME**

**1. All cases of addition / deletion or change in name / surname;**

A railway servant wishing to adopt a new name or to effect any modification in his existing name should be asked to adopt the change formally by a deed changing his name. In order that the execution of the document may not be in doubt, it is

desirable that it should be attested by two witnesses preferably those known to the Head of the Office in which the railway servant is serving. The execution of the deed in format provided should be followed by publication of the change in a prominent local newspaper as well as the Gazette of India, publication being undertaken by the railway servant at his own expense. For the publication of the advertisement in the Gazette of India, the railway servant should approach the Manager of Publications, Government of India, Publication Branch. In the cases in which Railway servants get the change of their names notified in the State Government Gazette, the publication in the Government of India Gazette need not be insisted upon.

2. It is only after the formalities described in the foregoing paragraph have been complied with and satisfactory evidence of identity and execution of the documents adduced by the railway servant that the adoption of the new name or change in the existing name should be recognized officially, entries in Government records so far as may be necessary being amended accordingly. True copies of the relevant documents should be retained and placed on record.

**3. Addition / change in surname only, on account of marriage/ remarriage of a female Government employee.**

In the case of change in names of women railway servants consequent on their marriage, formalities indicated in paragraphs 1 & 2 above need not be observed, provided that the Head of the Office or Department concerned is satisfied that the change sought to be effected is, in reality in pursuance of the marriage and that the new name is after the name of the husband. Employee should give a formal intimation to her appointing authority of her marriage and request for a change in surname. Particulars of husband may be given for making necessary entries in the service record.

**3-A. Deletion of surname or reversion to maiden name on divorce / separation or death of the husband of female railway servant**

Change may be permitted if a female railway servant gives:

- (i) an intimation to the appointing authority regarding change in marital status; and
- (ii) a formal request for reversion to her maiden name.

4. As regards change in names consequent on a departmental clerical error, the procedural instructions indicated in paragraphs above need not be followed and necessary corrections should be effected in the official records.

5. In the case of change of name of the father of a railway servant, it is not binding on the part of the railway servant concerned to follow the change. But if he does so, the prescribed formalities laid down in paragraphs above should be followed.

The change of name in all such cases should, however, be notified to all officials concerned.

**SAMPLE- DEED FOR GOVT. EMPLOYEE FOR  
CHANGE OF NAME/SURNAME**

BY THIS DEED I the undersigned.....lately

called .....employed as  
(Former name)

.....  
(Designation of the post held at the time by the Govt. servant)

at.....  
(Place where employed in the the Ministry/ Department of the Govt. of India)

do hereby:-

1. Wholly renounce, relinquish and abandon on the use of my former name of .....

.....and in the place thereof do assume from the date there of the name of.....and so that I may hereafter be called, known and distinguished not by my former name of .....but by the assumed name of.....

2. For the purpose of evidencing such my determination, declare that I shall at all times hereafter in all records, deeds and writings and in all proceedings, dealings and transactions private as well as public and upon all occasions whatsoever use and sign the name of .....as my name in place of and in substitution for my former name of.....
3. Expressly authorities and request all persons at all times hereafter to designate and address me by such assumed name of.....
4. In witness whereof I have here unto subscribed my former and adopted name of .....and .....affixed my seal this .....day of.....

Old signature.....  
New signature.....

Signed and delivered by the above  
named.....  
formerly.....in the presence of:-

Witness No.- 1

Signature.....  
Name.....  
Designation.....  
Official Address.....  
(With Rubber Stamp)

Witness No.-2

Signature.....  
Name.....  
Designation.....  
Official Address.....  
(With Rubber stamp)

**246:- Seniority of Non Gazetted: Seniority of Non Gazetted staff will be regulated and governed by rules contained in “ Rules for Non- Gazetted Staff ” and its subsequent modification time to time.**

**247:- Promotion of Non Gazetted: Promotion of Non Gazetted staff will be regulated and governed by rules contained in “ Rules for Non- Gazetted Staff ” and its subsequent modification time to time.**

## Chapter 3

### Termination and Resignation of / from Service

301.	Termination of service and period of notice
302.	Resignation
303.	Discharge on reduction of establishment
304.	Termination of service on account of inefficiency due to failure to conform to the requisite standard of physical fitness

#### 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 (other than governed by Apprentice Act, 1961)**—Except as otherwise provided in his service agreement, the service of an apprentice shall be liable to termination on one week's notice.

(3) **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 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 Railway servant may be accepted by the authority competent to fill the post held by him at the time of resignation.

**(4) Withdrawal of resignation:** The authority competent to accept resignation may permit a person to withdraw his resignation in the public interest on the following grounds:

- (i) **that the resignation was tendered by Railway servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal has been made as a result of a material change in the circumstances which compelled him to tender his resignation originally;**
- (ii) **during the intervening period between the date of his resignation and the withdrawal, the conduct of the person was not improper;**
- (iii) **that the period of absence from duty between the date on which the resignation became effective and the date on which a person was allowed to resume duty as a result of permission granted for withdrawal of resignation, is not more than 90 days;**
- (iv) **that the post, which was vacated by the person or any other comparable post is available;**

- (v) **withdrawal of resignation shall not be accepted where a railway servant resigns his service or post with a view to take up a private employment or in company wholly or substantially owned or controlled by the government or under a body controlled or financed by the government; and**
- (vi) **when an order is passed by the competent authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include condonation of interruption in service but the period of interruption shall not count for qualifying service.**

**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 level in pay matrix 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 level in pay matrix 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)

## Chapter 4

### Extension of Service and Re-employment of persons previously in Government Service

401.	General
402.	Re-employment of person who has been dismissed from Government service or convicted for a criminal offence
403.	Disclosure about past Government service and the reason for its termination
404.	Intimation of settlement benefits received in respect of previous employment
405.	Criteria for grant of extension / re-employment to railway servants

**401. General.**—(1) No extension of service/re-employment shall be granted as a rule or a Railway servant beyond the age of 60 years 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 post, without the sanction of the **General Manager**.

A Railway servant (Group-C) who is dismissed, removed or compulsorily retired from service may be re-employed with the personal approval of General Manager.

**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.** 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.

**405. Criteria for grant of extension / re-employment to railway servants** —Extension of service/re-employment to railway servants after superannuation should be considered as per Railway Board's directives issued for this 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.

\* \* \*



## Chapter 5

### Leave Rules

501.	Short title
502.	Extent of application
502-A	Definitions
503.	Right to leave
504.	Effect of dismissal, removal or resignation on leave at credit
505.	Conversion of one kind of leave into another
506.	Commencement and end of leave.
507.	Combination of different kinds of leave
508.	Combination of holidays with leave
509.	Employment during leave
510.	Maximum amount of continuous leave
511.	Application for leave
512.	Grant of leave
513.	Leave Account
514.	Verification of title to leave
515.	Leave when not to be granted
516.	Recall to duty before expiry of leave
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519 - 521	Commutated Leave/Leave on production of Medical Certificate
522.	Leave to a railway servant who is unlikely to be fit to return to duty.
523.	Leave on average pay
524.	Calculation of leave on average Pay
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527.	Commutated leave
528.	Leave not due
529.	Leave not due to temporary railway employees
530.	Extraordinary Leave
531.	Leave to probationers and a railway servant on probation
532.	Leave to Special Class Railway Apprentices
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534.	Leave to Trade apprentices
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537.	General conditions for grant of leave to apprentices
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540.	Leave preparatory to retirement
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541.	Leave beyond the date of retirement or quitting service
542.	Leave on termination of employment
543.	Drawl of leave salary

544.	Leave Salary
545.	Leave salary to workshop staff
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547.	Reckoning of special pay for leave salary
548.	Advance of Leave Salary.
549.	Cash equivalent of leave salary in case of death in service
550.	Cash payment in lieu of leave
551.	Maternity Leave
551 (A)	Paternity Leave
551 (B)	Paternity Leave to male casual Railway employee who has been granted temporary status
551 (C)	Child Adoption Leave
551 (D)	Paternity Leave for child adoption
551 (E)	Child Care Leave
551 (F)	Special Leave connected to inquiry of sexual harassment
552.	Work Related Illness and Injury Leave
553.	Omitted
554.	Omitted.
555.	Quarantine Leave
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557.	Power to interpret rules
<b>Schedules &amp; Annexures</b>	
First Schedule (Rule 503)	Authorities competent to grant leave
Annexure-I (Rule 511)	Application for Leave or For Extension of Leave
Annexure-II (Rule 530)	Bond for temporary Railway servants granted extraordinary leave for study
Annexure-III (Rule -519)	Medical Certificate for non-gazetted officers recommended leave or extension of leave or Commutation of leave
Annexure-III-A (Rule 519/522)	Medical Certificate for Railway servants who are to be recommended leave under Rule 522
Annexure- IV	Study 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;

#### **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 service;
- (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 shall have the meanings respectively assigned to them in the Indian Railway Establishment Codes.

(Authority: Railway Board’s letter No. E(P&A)I-2017/CPC/LE-5 dated 01.11.2019/ ACS 138: RBE 186/2019)

## 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.

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

(Authority: Railway Board’s letter No. E(P&A)I-2017/CPC/LE-5 dated 01.11.2019/ ACS 138: RBE 186/2019)

**Railway Ministry’s decision.**—The above provisions are not, however, intended to be so used as in effect to a bridge 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.

**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(III)/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.

**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 be allowed 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).

(Authority: Railway Board’s letter No. E(P&A)I-2017/CPC/LE-5 dated 01.11.2019/ ACS 138 & RBE 186/2019)

(3) Leave applied on medical certificate in connection with disability should not be refused or revoked without reference to a Medical Authority, whose advice shall be binding. The ceiling on maximum permissible leave laid down in sub-rule (1) above may not be applied to leave on medical certificate applied in connection with the disability. Any leave debited for the period after a Railway servant is declared incapacitated shall be remitted back into his/her leave account. For a Railway servant who is unable to submit an application or medical certificate on account of disability, an application/medical certificate submitted by a family member may be accepted.

(Authority: Rly Board letter No. E(P&A)I-2017/CPC/LE-5 dated 30.08.2017)

**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 be sanctioned only with financial concurrence of PFA and personal recommendation of PCPO with the rider this power shall not be delegated further down below.
- 2. The power should be exercised in rare and exceptional cases only, for which a speaking order clearly bringing out 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 05.02.2016, RBE – 14/2016; ACS-129)

**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.

(Authority: Railway Board's letter No. E(P&A)I-2017/CPC/LE-5 dated 01.11.2019/ ACS 138 & RBE 186/2019)

**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)

**513. Leave Account.**—A digitized (as per present ongoing digitized Pay Roll System)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 authorized by him in the case of Group C Railway Servants. Till digitization of leave account, manual leave account shall be maintained on temporary basis.

**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) travelling 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.

(2) The period shall be debited against his leave account as though it were half pay leave to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

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

In all cases of unauthorized absence by a railway servant, he should be informed of the consequences of such absence and be directed to rejoin duty immediately within a specified period, say within three days, failing which he would be liable for disciplinary action under Railway Servants (Discipline & Appeal) Rules, 1968.

(Authority Railway Board's letter no. E(P&A)I-2013/CPC/LE-2 dated 29.05.2014 ; RBE – 59/2014)

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

1. (i) A Railway servant (Gazetted or Non-gazetted), on being a Central Government Health Scheme (CGHS/Railway Health Service(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 I, 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 employee 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 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, 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 not yet 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 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 I, 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 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 withdraw for specified periods (From 1<sup>st</sup> April to 30<sup>th</sup> June in Summer, from 1<sup>st</sup> October to 15<sup>th</sup> 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 Railway servants.

(No. E(G) 72E-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 purposes 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, 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.

(Authority: Railway Board's letter No. E(P&A)I-2017/CPC/LE-5 dated 01.11.2019/ ACS 138: RBE 186/2019)

**520.** 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 a subject.

(Authority: Railway Board's letter No. E(P&A)I-2017/CPC/LE-5 dated 01.11.2019/ ACS 138 & RBE 186/2019)

**521.** "Commutated Leave/Leave on production of Medical Certificate by the Railway Servants

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

(Authority: Railway Board's letter No. E(P&A)I-2017/CPC/LE-5 dated 01.11.2019/ ACS 138 & RBE 186/2019)

**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.”

(Authority: Railway Board’s letter No. E(P&A)I-2017/CPC/LE-5 dated 01.11.2019/ ACS 138 & RBE 186/2019)

(2) A railway servant who is declared by a medical authority to be completely and permanently incapacitated for further service, shall:--

(a) if he is on duty, be invalidated from service from the date of relief of his duties, which could be arranged without delay on receipt of the report of medical authority. If, however, he is granted leave under para (1) above he shall be invalidated from service on the expiry of such leave; and

(b) 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 Right of Persons with Disabilities Act, 2016 (49 of 2016) shall, suo moto, apply”.

(Authority: Railway Board’s letter No. E(P&A)I-2017/CPC/LE-5 dated 01.11.2019/ ACS 138& RBE 186/2019)

(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 2½ 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 2½ 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 2½ 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 1/10th 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 debitable 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-Himalayan Section and at Pandu (Guwahati) - 4 days

(iii) Staff headquarters at stations to the east of Pandu - 6 days

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

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

(1) (a) The leave account of every Railway servant who is serving in a Railway School such as teacher, principal, headmaster, librarian, laboratory assistant or a waterman shall be credited with Leave on Average Pay, in advance, in two installments of five days each on the first day of January and July of every calendar year.

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

(c) If, in any year, the Railway servant does not avail any vacation, Leave on Average Pay will be as per Rule

523 instead of clauses (a) and (b).

(Authority: Railway Board's letter No.E(P&A)I-2019/CPC/LE-2 dated 23.04.2019: RBE 64/2019)

Note-1 The categories of Hostel Management Staff such as House Keepers, Junior Matrons and Dormitory Supervisors in Oak Grove School, Jharipani may be treated as Vacation Staff at par with the teaching staff.

(Authority: Railway Board's letter No. E(P&A)I-2001/CPC/LE-3 dated 30.09.2003)

**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 himself of 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 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.

1. 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.

2. The LAP 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 do 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 other than 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-2019/CPC/LE-2 dated 23.04.2019, RBE 64/2019)

(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 (other than a Railway servant serving in a Railway School) shall be credited with Leave on Half Average Pay in advance, in two installments 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-2019/CPC/LE-2 dated 23.04.2019, RBE 64/2019)

(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 up to 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 of absence or 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.

(ACS 88) / (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 event 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 event 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.**— Deleted

**533. Leave to Apprentice Mechanics.**—Apprentice Mechanics (Apprentice JE/SSE) 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.—Journeymen 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;

(The period of two years for the purpose of successive encashment of LAP shall be w.r.t. a two year block, the first one commencing from 1.9.2008 and ending on 31.8.2010 w.r.t. the outward journey performed. The next block will commence from 1.9.2010 and end on 31.8.2012 and successive blocks will follow same pattern.)

(Auth: Railway Board's letter no. F(E)III/2008/LE1/1 dated 02.02.2011)

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

$$\text{Cash Equivalent} = \frac{\text{Pay in the respective Pay level admissible on the date of availing of Railway Pass plus dearness allowance admissible on that date}}{30} \times \text{No of Days of leave on Average Pay subject to the maximum 10 days at one time}$$

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-1/1 dated 29-10-2008)- ACS no.107

- (6) NPA shall be taken into account for calculating encashment of LAP while availing Privilege Pass/PTO.

(Auth: Railway Board's letter no.F(E)III/2008/LE1/1 dated 30.05.2012)

- (7) Railway employees are required to avail leave, including casual leave. Holidays, including Restricted Holidays, do not come within the ambit of the definition of leave for the aforesaid purpose.

(Authority: Railway Board's letter no No. F[E]III / 2008 /LE1 / 1 dated 22.06.2011)

**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

#### **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) (ACS-131)

**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</u> <u>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 plus Dearness Allowance admissible on that date <hr style="width: 100%;"/>	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-moto, 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.

**Note:** (1) Period of Extra Ordinary Leave taken without Medical Certificate in continuation of Maternity Leave would not count for qualifying service and for purpose of grant of increment.

(Authority; Railway Board's letter no.E(P&A)I-2001/CPC/LE-8 dated 24.12.2001)

Note: (2) No Ration Money Allowance is admissible to RPF personnel during Commuted Leave, Maternity Leave and Paternity Leave.

(Authority; Railway Board's letter no. E(P&A)I-2005/ALL/RPF-2 dated 14.06.2018)

Maternity leave is also admissible in the following cases:

(i) In case of still born child and

- (ii) In case a female railway employee who has married a widower with children from his former wife, provided the female railway employee has less than two surviving children at the time of child birth.

(Authority; Railway Board's letter no. E(P&A)I-98/CPC/LE-4 Pt. dated 05.10.1999 ; RBE – 250/99)

**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**

1. An adoptive mother on the railways with less than two surviving children may be granted leave of 180 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; RBE- 62/ 2006; , No.E (P&A)I-2009/CPC/LE-1I, dated 11-09-2009 , RBE – 166/2009)**

#### **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.

**(Authority: Railway Board's letter No. E(P&A)I-2009/CPC/LE-11 dated 11.09.2009; ACS 109 & Railway Board's letter No. E(P&A)I-2008/CPC/LE-8 dated 04.05.2011: ACS-116 )**

#### **551(E) – Child Care Leave.**

- (1) Subject to the provisions of this rule, a female Railway servant and single male Railway servant may be granted Child Care Leave by an authority competent to grant leave for a maximum period of seven hundred and thirty days during entire service for taking care of two eldest surviving children, whether for rearing or for looking after any of their needs, such as education, sickness and the like.
- (2) For the purpose of sub-rule (1), “Child” means-
  - (a) a child below the age of eighteen years; or
  - (b) an offspring of any age with a minimum disability of forty percent as specified in the Government of India in Ministry of Social Justice and Empowerment's Notification No. 16-18/97-N 1.1, dated the 1st June, 2001.
- (3) Grant of child care leave to a female Railway servant and a single male Railway servant under sub rule (1) shall be subject to the following conditions, namely:-
  - (i) it shall not be granted for more than three spells in a calendar year;
  - (ii) in case of a single female Railway servant, the grant of leave in three spells in a calendar year shall be extended to six spells in a calendar year.
  - (iii) it shall not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is satisfied about the need of Child Care Leave to the probationer, provided that the period for which such leave is sanctioned is minimal.
  - (iv) Child Care Leave may not be granted for a period less than five days at a time.
- (4) During the period of child care leave, a female Railway servant and a single male servant shall be paid one hundred percent of the salary for the first three hundred and sixty five days, and at eighty percent of the salary for the next three hundred and sixty five days.

(5) Child Care Leave may be combined with leave of any other kind.

(6) Notwithstanding the requirement of productions 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 sixty 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).

(7) Child Care Leave shall not be debited against the leave account.

**Explanation** – ‘Single Male Railway Servant’ means – an unmarried or widower or divorcee Railway servant.”

(Authority Board’s letter No E(P&A)I-2019/CPC/LE-2 dated 23.04.2019, RBE/64/2019)

(08) An employee on Child Care Leave may be permitted to leave Head Quarters with the prior approval of appropriate Competent Authority.

(09) An employee on Child Care Leave may proceed on foreign travel provided clearances from appropriate Competent Authorities are taken in advance.

(Authority Railway Board’s letter no. E(P&A)I-2008/CPC/LE-8 dated 04.10.2010 & 18.07.2018)

(10) Child Care Leave may be sanctioned to adoptee mother also subject to fulfilment of the conditions stipulated for grant of this leave.

( Authority Railway Board’s letter no. E(P&A)I-2009/CPC/LE-10 dated 30.09.2010)

**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) ACS-132

#### **552. Work Related Illness and Injury Leave –**

The authority competent to grant leave may grant Work Related Illness and Injury Leave (herein after referred to as WRIL) to a Railway servant (whether permanent or temporary), who suffers illness or injury that is attributable to or aggravated in the performance of her or his official duties or in consequence of her or his official position subject to the provisions contained in rule 521 of these rules, on the following conditions, namely:

- (1) Full pay and allowances shall be granted to all employees during the entire period of hospitalization on account of WRIL.
- (2) Beyond hospitalization, WRIL shall be governed as follows:
  - (a) A Railway servant (other than of RPF/RPSF) full pay and allowances for the six months immediately following hospitalization and Half Pay for twelve months beyond the said period of six months. The Half Pay period may be commuted to full pay with corresponding number of days of Leave on Half Average Pay debited from the employees leave account.
  - (b) For officers RPF/RPSF full pay and allowances for six months immediately following the hospitalization and full pay only for the next twenty four months.
  - (c) For personnel below the rank of officer of the RPF/RPSF full pay and allowances, with no limit regarding period.
- (3) In the case of persons to whom the Workmen's Compensation Act, 1923 applies, the amount of leave salary payable under WRIL shall be reduced by the amount of compensation paid under the Act.
- (4) No Leave on Average Pay or Leave on Half Average Pay shall be credited during the period that employee is on WRIL."

(Authority Board's letter No E(P&A)I-2019/CPC/LE-2 dated 23.04.2019: RBE 64/2019)

553. Omitted

(Authority Board's letter No E(P&A)I-2019/CPC/LE-2 dated 23.04.2019, RBE/64/2019)

554. Omitted.

(Authority Board's letter No E(P&A)I-2019/CPC/LE-2 dated 23.04.2019,RBE-64/2019)

**555. Quarantine Leave.**—Deleted.

**556. Study Leave.**—Study leave may be granted in accordance with the rules prescribed in **Annexure-IV** 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,	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.	Work Related Illness And Injury 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., 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.
13. Mobile No.

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 of 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.....(Month)  
.....(year)

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

### (Rule 519)

#### 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.

### **Annexure III A**

#### **Medical Certificate for Railway servants who are to be recommended leave under Rule 522 –**

(see rules 519 and 522)

#### **MEDICAL CERTIFICATE FOR GOVERNMENT SERVANTS WHO ARE TO BE RECOMMENDED LEAVE UNDER RULE 522**

Signature/thumb impression of the Railway servant \_\_\_\_\_

It is certified that Shri/Shrimati/Kumari \_\_\_\_\_ (designation and place of work may also please be indicated) is under my medical supervision since \_\_\_\_\_ and is suffering from \_\_\_\_\_\*.

2. The aforesaid medical condition can be reasonably estimated to have manifested itself with effect from \_\_\_\_\_ and that-

- (i) it cannot be said with certainty that the Railway servant will never again be fit for service; or
- (ii) there is no reasonable prospect that the Railway servant will ever be fit to return to duty.

3^ In view of the fact that it cannot be said with certainty as to when the Railway servant shall be fit for service, I recommend that Shri/Shrimati/Kumari \_\_\_\_\_ may be granted leave on medical grounds w.e.f. \_\_\_\_\_ to \_\_\_\_\_ (upto a period of one year).

(^Please strike out if a certificate is being issued under 2 (ii) above)

Name and designation of the Medical Officer of Central Government Health Scheme/Government Hospital/Medical Board

OR

Name, designation and details of certifying authority so designated under section 57 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016).

\*Note: Nature of disability may be specified. Here “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).

(Authority: Railway Board’s letter no. E(P&A)I-2017/CPC/LE-5 dated 01.11.2019).

## **Annexure IV**

**(See Rule 556)**

### **STUDY LEAVE RULES**

**1. Conditions for grant of study leave. —**

(1) Study leave may be granted to a railway servant with due regard to the exigencies of public service to enable him to undergo, in or out of India a special course of study consisting of higher studies or a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted—

(i) for a course of training or study tour in which a railway servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the railway servant ; and

(ii) for the purposes of studies connected with the framework or background of public administration subject to the conditions that— (a) the particular study tour should be approved by the authority competent to grant leave; (b) the railway servant should be required to submit on his return, a full report on the work done by him while on, study leave.

(iii) for the studies which may not be closely or directly connected with the work of a railway servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

(3) Study leave shall not be granted unless:--

(i) it is certified by the authority competent to grant leave the proposed course of study or training shall be of definite advantage from the point of view of public interest;

(ii) it is for prosecution of studies other than academic, or literary subjects;

Provided that a Medical Officer may be granted study leave for prosecuting a course of post graduate study in Medical Sciences in India if the Head of the Medical Deptt. Certifies to the effect that such study shall be valuable in increasing the efficiency of such medical officer in the performance of his duties. For post-graduate study in medical sciences abroad, study leave shall be granted if the Director General of Railway Health Services in the Ministry of Railways certifies that such study shall be valuable in increasing the efficiency of such medical officer in the performance of his duties:

Provided also that a specialist or a technical person may be granted study leave, on merits of each case, for prosecuting a post graduate course of study directly related to the sphere of his duty in case the Head of the Department or the Railway Ministry certifies that the course of study shall enable the specialist or the technical person, as the case may be, to keep abreast with modern development in the field of his duty, improve his technical standards and competence and thus substantially benefit the Railways .

(iii) the Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India:

Provided that in releasing foreign exchange to Railway servants proceeding on study leave abroad, the Department aforesaid shall satisfy itself whether such Railway servant comply with the minimum educational criteria as specified in the general orders issued by the said Department from time to time regulating release of foreign exchange to persons proceeding abroad for higher studies at their expense.

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

(5) Study leave may be granted to a Railway servant: ---

- (i) Who has satisfactorily completed period of probation and has rendered not less than five years regular continuous service including the period of probation under the Government (two years in case of Railway Medical Service Officer).

(Authority: Railway Board's letter no. 2011/F(E) III/2(2)/3 dated 31.07.2014) and  
Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

- (ii) Who is not due to reach the age of superannuation from the Government service within three years ( eight years in the case of Railway Medical Service Officer who has been granted 36 months study leave under sub – rule 2 of Rule -2) from the date on which he is expected to return to duty after the expiry of leave;

(ACS-120 ; Dated 05.01.2012) ) (Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

- (iii) Who executes a bond as laid down in Rule 4(4) undertaking to serve the Government for a period of three years (eight years in the case of Railway Health Service Officer who has been granted 36 months study leave under sub – rule 2 of Rule -2) after the expiry of the leave. Accordingly, Railway Servant having option to retire will not be permitted to retire unless he serves the Govt. for three years after return from the Study Leave;

(ACS-120; Dated 05.01.2012) ) (Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

(6) Study leave shall not be granted to a Railway servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

(7) Study leave shall not be granted to a railway servant who is on deputation to other department or vice versa

## **2. Maximum amount of study leave. —**

(1) The maximum amount of study leave, which may be granted to a Railway servant, shall be—

- (a) ordinarily twelve months at any one time and  
(b) during his entire service twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules).

(2) In respect of Railway Medical Service Officers, study leave may be granted for thirty six months for acquiring post graduate qualification, subject to the condition that a Railway Medical Service Officer who has been granted such study leave shall execute a bond under sub-rule (4) to serve the Railways for a period of eight years after completion of the study course

(Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

### **3. Application for study leave. —**

- (1) (i) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.  
  
(ii) The course or courses of study contemplated by the Railway servant and any examination which he proposes to undergo shall be clearly specified in such application.
- (2) Where it is not possible for the Railway servant to give full details in his application, or if, after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he received the approval of the authority competent to grant the study leave for the course.

### **4. Sanction of study leave.—**

- (1) A report regarding the admissibility of the study leave shall be obtained from the Accounts Officer: Provided that the study leave, if any, already availed of by the Railway servant shall be included in the report.
- (2) Where a Railway servant borne permanently on the cadre of one Railway is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the Railway to which he is permanently attached is obtained before leave is granted.
- (3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting leave.

Note. — The Head of the Mission shall be contacted by the Railway servant for issue of any letters of introduction or for other similar facilities that may be required.

- (4) (a) Every Railway servant in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form A or Form B as the case may be, before the study leave or extension of such study leave granted to him commences.  
  
(b) Every Railway servant not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form C or Form D as the case may be, before the study leave or extension of such study leave granted to him commences.  
  
(c) The authority competent to grant leave shall send to the Accounts Officer a certificate to the effect that the Railway Servant referred to in clause (a) or clause (b) has executed the requisite bond.
- (5) (a) On completion of the course of study the Railway servant shall submit to the authority which granted him the study leave, certificates of examinations passed a special course of study undertaken, indicating the date of commencement and termination of the course with the works if any, of the authority incharge of the course of study.  
  
(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

### **5. Accounting of study leave and combination with leave of other kinds. —**

- (1) Study leave shall not be debited against the leave account of the Railway servant.

(2) Study leave may be combined with other kinds of leave, but in no case shall be grant of this leave in combination with leave, other than extraordinary leave, involve a total absence of more than twenty eight months generally and thirty six months for the courses leading to Ph.D degree and P.G. Degree in medicine. (Authority: Railway Board's letter No.F(E)III/89/LE I/5 dt. 23-06-98 )

**Explanation.** —The limit of twenty-eight months/thirty six months of absence prescribed in this sub-rule includes the period of vacation. (Authority: Railway Board's letter No.F(E)III/89/LE I/5 dt. 31.07.98 )

(3) A Railway servant granted study leave, in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave.

(Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

**6. Regulation of study leave extending beyond course to study.**— When the course of study falls short of study leave granted to a Railway servant he shall resume duty on the conclusion of the course of study, unless the previous sanction of the authority competent to grant leave has been obtained to the period of shortfall as ordinary leave.

**7. Leave salary during study leave.** —

(1) During study leave availed outside India a Railway servant shall draw leave salary equal to the pay that the Railway servant drew while on duty immediately before proceeding on such leave, in addition to Dearness Allowance and House Rent Allowance as admissible in terms of Board's letter No. E(P&A)II-2002/HRA-2 dated 19.02.2002. (Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

(2) (a) During study leave availed in India, a Railway servant shall draw leave salary equal to the pay that the Railway servant drew while on duty immediately before proceeding on such leave, in addition to Dearness Allowance and House Rent Allowance as admissible in terms of Board's letter No. E(P&A)II-2002/HRA-2 dated 19.02.2002. ) (Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

(b) Payment of leave salary at full rate under clause (a) shall be subject to furnishing of a certificate by the Railway servant to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(c ) The amount, if any received by a Railway servant during the period of study leave as scholarship or stipend or remuneration in respect of any part time employment, shall be adjusted against the leave salary payable under this sub-rule subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave. (Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

(d). **Omitted** (Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

( **Rule- 8, 9 & 10 : omitted** ) (Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

**11. Admissibility of allowances during study leave** - Except for House Rent Allowance as admissible in terms of Board's letter No. E(P&A)II-2002/HRA-2 dated 19.02.2002 and the Dearness Allowance, no other allowance shall be paid to a Railway servant in respect of the period of study leave granted to him.

(Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

**12. Travelling allowance during study leave.**— A Railway servant to whom study leave has been granted shall not ordinarily be paid traveling allowance but the President may in exceptional circumstances sanction the payment of such allowance.

**13. Cost of fees for study.**— A Railway servant to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the President may sanction grant of such fees. Provided that in no case shall the cost of fees be paid to a Railway servant who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain in addition to his leave salary any remuneration in respect of part time employment.

**14. Resignation or retirement after study leave. —**

(1) If a Railway servant resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years (eight years in the case of Railway Medical Service Officer who has been granted 36 months study leave under sub – rule 2 of Rule -2) after such return to duty, he shall be required to refund –

(i) the actual amount of leave salary, cost of fees, traveling and other expenses, if any , incurred by the Railways; and

(Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

(ii) the actual amount , if any , of the cost incurred by other agencies such as foreign Governments, Foundations and Trusts in connection with the course of study, together with interest thereon at rates for the time being in force on Government loans, from the date of demand, from his resignation is accepted or permission, to retire is granted or his quitting service otherwise

Provided that nothing in this rule shall apply:-

(a) to a Railway servant who, after return to duty from study leave, is permitted to retire from service on medical grounds; or

(b) to a Railway servant who, after return to duty from study lave, is deputed to serve in any statutory or autonomous body or institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

(2) (a) The study leave availed of by such Railway servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitable adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave. (Such Extra Ordinary Leave shall not be counted as qualifying service for pensionary benefits.

(Auth: Railway Board's letter No. F(E)III/2009/PN-1/10 dated 10.03.2011)



- (b) In addition to the amount to be refunded by the Railway servant under sub-rule (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.
- (3) Notwithstanding anything contained in this rule, the President may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order waive or reduce the amount required to be refunded under sub-rule (1) by the Railway servant concerned or class of Government servants.

**Note:** --The amounts referred in sub-rule (1) of the aforesaid Rule (14) shall also be refundable by a Railway Servant who fails to complete the course of study and is thus unable to furnish the certificate as required in sub-rule (5) of Rule 4. \*\*\*\*\*

**BOND TO BE EXECUTED BY A RAILWAY SERVANT IN PERMANENT EMPLOYMENT WHEN  
PROCEEDING ON STUDY LEAVE**

KNOW ALL MEN BY THESE PRESENTS THAT I, ..... resident of ..... in the District of ..... at present employed as ..... in the Ministry/office of ..... do hereby bind myself and my heirs, executors and administrators to pay to the President of India (hereinafter called “the Government”) on demand, the sum of Rs..... (Rupees.....only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if 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 I, ... .. am granted study leave by Government .

AND WHEREAS for the better protection of the Government I have agreed to execute this Bond with such condition as hereunder is written:

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATIONS IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of study or at any time "within a period of three years/eight years after" my return to duty, I shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs... .. (Rupees... .. only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans. (ACS-120) ( ACS-134 Dated 11.10.2018)

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT the period of my bond mandating putting in service for the period as specified above, after expiry of the study leave availed by me shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by me, during the currency of the bond period. (Railway Board’s letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS-134) RBE 156/2018

AND upon my making such payment, the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue. 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.

**Explanation:** The term 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation. (Railway Board’s letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

Signed and dated this ... .. day of ... .. two thousand and... ..

Signed and delivered by... .. in the presence of

Witnesses (1) ... ..  
(2) ... ..

ACCEPTED

For and on behalf of the President of India.”

“FORM ‘B’ [See Rule 4(4)(a) of Annexure-IV]  
**BOND TO BE EXECUTED BY A RAILWAY SERVANT IN PERMANENT EMPLOYMENT WHEN  
GRANTED EXTENSION OF STUDY LEAVE**

KNOW ALL MEN BY THESE PRESENTS THAT I , ..... resident of ..... in the District of ..... at present employed as ..... in the Ministry/office of ..... do hereby bind myself and my heirs, executors and administrators to pay to the President of India (hereinafter called “the Government”) on demand the sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand, at Government rates for the time being in force on Government loans or, if 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 I, ... .. was granted study leave by Government for the period from... .. to ... .. in consideration of which I executed a Bond dated ... .. for Rs... .. (Rupees..... only) in favour of the President of India.

AND WHEREAS the extension of study leave has been granted to me at my request until ... ..

AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written:

NOW THE CONDITION OF ABOVE WRITTEN OBLIGATIONS IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or failing to complete the course of study or at any time "within a period of three years/ eight years after "my return to duty, I shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs... .. (Rupees... .. only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans. (Railway Board’s letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT the period of my bond mandating putting in service for the period as specified above, after expiry of the study leave availed by me shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by me, during the currency of the bond period. (ACS- 121 dated 09.04.2014)

AND upon my making such payment, the above-written obligations shall be void and of no effect, otherwise it shall be and remain in full force and virtue. 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.

**Explanation:** The term 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation. (Railway Board’s letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

Signed and dated this... .. day of... .. two thousand and... ..

Signed and delivered by... .. in the presence of

Witnesses (1).....

(2).....

ACCEPTED

For and on behalf of the President of India.”

“FORM ‘C’ [See Rule 4 (4)(b) of Annexure-IV]  
**BOND TO BE EXECUTED BY A RAILWAY SERVANT NOT IN PERMANENT EMPLOYMENT,  
WHEN PROCEEDING ON STUDY LEAVE**

KNOW ALL MEN BY THESE PRESENTS THAT WE ..... residents 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 (hereinafter called “the Government”) on demand, the sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if 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 Obligor is granted study leave by the Government:

AND WHEREAS for the better protection of the Government the Obligor has agreed to execute this Bond with such condition as hereunder is written:

AND WHEREAS the said Sureties have agreed to execute this Bond as Sureties on behalf of the above bounden ..... NOW THE CONDITIONS OF THE ABOVE WRITTEN OBLIGATIONS IS THAT in the event of the Obligor Shri/Shrimati/Kumari..... failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of study or at any time "within a period of three years/ eight years after"his return to duty, the Obligor and the Sureties shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans. (Railway Board’s letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT the period of my bond mandating putting in service for the period as specified above, after expiry of the study leave availed by me shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by me, during the currency of the bond period. (Railway Board’s letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

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 full 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.

**Explanation:** The term 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation. (Railway Board’s letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

Signed and dated this... .. day of... ..two thousand 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.”

“FORM ‘D’ [See Rule 4 (4)(b) of Annexure-IV]  
**BOND TO BE EXECUTED BY A RAILWAY SERVANT NOT IN PERMANENT EMPLOYMENT,  
WHEN GRANTED EXTENSION OF STUDY LEAVE**

KNOW ALL MEN BY THESE PRESENTS THAT WE ..... residents 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 (hereinafter called “the Government”) on demand, the sum of Rs..... (Rupees.....only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if 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 Obligor was granted study leave by the Government for the period from.....to..... in consideration of which he executed a Bond dated....., for Rs..... (Rupees..... only) in favour of the President of India:

AND WHEREAS the extension of study leave has been granted to the Obligor at his request until.....

AND WHEREAS for the better protection of the Government the Obligor has agreed to execute this Bond with such condition as hereunder is written:

AND WHEREAS the said Sureties have agreed to execute this Bond as Sureties on behalf of the above bounden .....

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATIONS IS THAT in the event the Obligor Shri/Shrimati/Kumari ..... failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or failing to complete the course of study or at any time "within a period of three years/eight years after “his return to duty, the Obligor and the Sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs..... (Rupees.....only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans. ( ACS-134 Dated 11.10.2018)

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT the period of my bond mandating putting in service for the period as specified above, after expiry of the study leave availed by me shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by me, during the currency of the bond period. (Railway Board’s letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS-134) RBE 156/2018

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 full force and virtue: PROVIDED ALWAYS THAT the liabilities 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 authorized 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.

**Explanation:** The term 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation. (Railway Board's letter No. 2011/F(E)III/2(2)/3 dated 11.10.2018 ;ACS- 134) RBE 156/2018

Signed and dated this... ..day of... ..two thousand 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.”

(Railway Board's letter No. F(E)III/2008/LE-1/2 & 2011/F(E)-III/2(2)/3 dated 13.4.10 , 05.01.12 and 09.04.14)  
ACS no. 112,120 ,121 &134

## **Chapter 6**

### **Medical Attendance and Treatment**

The rules regarding “Medical Attendance and Treatment” are deleted from here. Railway employees, their spouse and eligible dependent(s) are entitled to comprehensive medical facility as detailed in Chapter – VI and other relevant chapters of Indian Railway Medical Manual, 2000 (Third Edition) as amended from time to time.



## Chapter 7

### Law suits against railway servants

701.	General cause of actions of legal proceedings
702.	Circumstances of initiations of legal proceedings
703.	Guidelines in criminal prosecution
704.	Legal advice in instituting prosecution
705.	Police or judicial investigation vis-à-vis departmental inquiries
<b>Annexures</b>	
Annexure- A (Rule 702 (1)(b)(i))	Undertaking by the government servant in connection with defence
Annexure-B (Rule 702 (1) & (3))	Furnishing of Bond for availing interest-free advance

**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 of the official duty, 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 General Manager for his consideration. Cases falling under item (iii) may be those in which a person may be allegedly involved in cases having nature of bribery, illegal gratification, corruption, etc. Though such act or omissions may be committed by railway servant in the garb of his official position or connected therewith but should be treated as private affairs. No reimbursement will be admissible in such cases.

(3) Normally, reimbursement of the fees of only one counsel should be considered. The fees should comprise of professional charges only and should ordinarily exclude other charges such as travelling allowance, 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/ Additional General Manager may frame subsidiary rules prescribing the procedure to be followed by a railway servant in arranging for his defense. Failures to observe this procedure may result in the reimbursement of the legal expenses incurred by him being withheld.

**702. 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—

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- (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, the party aggrieved may, as a general rule, bring the suit against such railway servant.
- (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.

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.

(ii) (a) If the railway servant proposes to conduct his defence in such proceedings himself, the question of re-imbursement 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-imbursement.

(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 the government servant's substantive pay for three months, 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.

- (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) Deleted

(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 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 / Media 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 railway servant's substantive pay for three months 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 formers 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 formers 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) (b) (i). This will not apply to cases in which the railway servants has/have been impleaded as co-respondent 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 partly 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 defense 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/- , 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.

**Railway Ministry's orders.—**

(a) The prior approval of the Railway Ministry and Department of Legal Affairs, Ministry of Law and Justice , should invariably be obtained in regard to the proposal of engagement of lawyers and terms and conditions of such engagement except in cases handled by the Railway Advocates/Central Government Advocates.

(b) Where a lawyer is engaged at more than the prescribed fee of Department of Legal Affairs, Ministry of Law and Justice at the request of Ministry of Railways , the express prior sanction of the Minister of Railways, through Legal Advisor (Railways) and Department of Legal Affairs, Ministry of Law and Justice should be obtained.

(c) If in any case it is considered essential to engage the Attorney General of India or the Solicitor General of India to appear in any Court, the approval of the Ministry of Railways and through Legal Advisor (Railways) and Department of Legal Affairs, Ministry of Law and Justice should be obtained.

(d) 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.

**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 .

When an administrative decision has been taken to file a petition before Supreme Court against any order of the Court/Tribunal by the competent authority of Railway, the proposal is to be forwarded to Legal Adviser (Railways) to examine the feasibility of filing such petition as per the procedure of Department of Legal Affairs, Ministry of Law and Justice. The Incharge, Central Agency Section, Supreme Court is to be contacted, to take appropriate steps to defend any petition filed against Railways before the Supreme Court of India.

The engagement of counsel(s) for contesting the cases before Supreme Court, should also be done in consultation with Incharge, Central Agency Section, Ministry of Law & Justice, through the office of Legal Adviser (Railways).

**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.

**705.** The fact that a case is under police investigation or judicial proceedings 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 investigation or judicial proceedings in progress. Before instituting such departmental inquiries against group C and group B employees, the Law Officer of the railway concerned shall invariably be consulted whereas in the matter of group A employees the Legal Adviser should be consulted.

**706.** In addition to above Rule 19 of Central Civil Services (Conduct) Rules, 1964 as amended from time to time is to be referred for clarification and parity among all employees of Union of India.

.....

**ANNEXURE 'A'**

( Rule 702(1)(b)(i))

**Undertaking by the government servant in connection with defence**

(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.....

**ANNEXURE ‘B’**

( Rule 702(1) & (3))

**Furnishing of Bond for availing interest-free advance**

**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 installment 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

\*\*\*\*\*

## **Chapter 8**

### **Staff Benefit Fund**

801. “Railway Staff Benefit Fund”(RSBF) shall be governed by Rules/administrative instructions to be framed/issued by Railway Board under the powers delegated to it under foregoing Rule 123. Till such time such Rules are notified, extant provisions of Indian Railway Establishment Code (Vol I) 1985(3<sup>rd</sup> edition, 2008), pertaining to RSBF, as supplemented by Railway Board’s instructions and Advance Correct Slips would subsist and remain in force.

# Chapter 9

## Provident Fund Rules

901.	Short title and extent of application
902.	Definitions
903.	Constitution and management of the fund
904.	Compulsory subscribers
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944.	Deductions
945.	Payment of Provident Fund
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**901. Short title and extent of application.** -- The rules in this chapter may be called the State Railway Provident Fund Rules.

These 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, covered by National Pension System

*(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 Principal Financial Adviser 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 recognized 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 of 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)

**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 staff of the Railway Board's office, provided the Controlling Officer and/or General Managers are empowered to re delegate 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 grandparent.

(5) **"Emoluments"** means pay as defined in Rule 103(35) in Chapter - I 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' 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 re-employment 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 grandparents :

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 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 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 grandparents.

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) Deleted

**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;

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(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 interest, as provided by rule 920 on the subscriptions and contributions ;

**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

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) 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) 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.

(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.

**910. Realization 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. DELETED**

**913. DELETED**

**914. DELETED**

**915 . DELETED**

**916. DELETED**

**917 . DELETED**

**918. DELETED**

**919. DELETED**

**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 according to the method of calculation prescribed from time to time by the President :

(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. PFA (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.-

(l) The authority competent to sanction an advance / withdrawal under these rules is the Controlling Officer, but this power may be exercised by :-

- (a) GM/AGM in the case of SAG/HAG
- (b) DRM/ADRM(in Div), CWM (in SAG) (in Workshop), PCPO/CPO (in HQs) in the case of JAG/SG.
- (c) Sr.DPO/Dy.CPO(Gaz) in the case of Gazetted officers upto Sr.Scale.
- (d) Sr.Scale Officer or Jr.Scale (independent charge of an office) in case of Group-C (other than level-1 in 7<sup>th</sup> CPC) subscribers employed under them.
- (e) APO or an officer of equivalent rank in case of Group-C (level-1 in 7<sup>th</sup> CPC) subscribers employed under them

NOTE-1:- Powers are to be exercised in respect of staff under their control.

**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 C ( Level-1) Staff.



(2) Dearness pay shall be treated as part of emoluments or pay under rules 923 to 925.

(3) Advance/withdrawals may be sanctioned in special cases even after the relevant event, provided advance/withdrawals have been applied for not more than 3 months after the event.

(4) In the case of withdrawals under rule 925 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 ten 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 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 fiat 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 as per rule 922 subject to the following conditions :-

(a) a subscriber shall satisfy the authority with simple declaration for the advance.

**( b) DELETED**

(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) (1) The subscriber is permitted to withdraw an advance from the State Railway Provident Fund (SRPF) for the following purposes :-

(i) illness of self, family members or dependents,

(ii) Education of family members of dependent of the subscriber. Education will include primary, secondary and higher education, covering all streams and educational institutions.

(iii) Obligatory Expenses viz. betrothal, marriage funerals or other ceremonies.

(iv) Cost of Legal proceedings,

- (v) Cost of defence,
- (vi) Purchase of consumer durables,
- (vii) Pilgrimage and visiting places of eminence. This will include any travel and tourism related activities.

2. The limit of advance will be upto 12 months of pay or three-fourths of the amount at credit, whichever is less. The amount of advance will be recoverable in a maximum of 60 installments. The advance may be sanctioned by the Controlling Officer.

3. Advance may be sanctioned and payment can be made from Fund in a maximum time of fifteen days. However, in case of emergencies like illness etc. the time may be restricted to seven days.

4. The Controlling Officer is competent to sanction an advance from the Fund for the items mentioned in para g (1) above as well as for any other item also on merits, at his/her discretion.

5. In all above cases of advance, no documentary proof is required to be furnished by the subscribers. A simple declaration by the subscriber explaining the reasons for advance would be sufficient.

(Authority: Railway Board Letter no D-43/22/2017-F(E)III, dated 29.06.2017: RBE No.63/2017)

**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 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 eligible to receive the Provident Fund money in terms of Rule 943 and should be limited to the share of the person concerned.

**925. Other final withdrawals.—**

Withdrawal under this rule for the various purposes mentioned below, shall be subject to the conditions laid down in rule 922.

- (1) (i) Education — This will include primary, secondary and higher education, covering all streams and institutions,
- (ii) Obligatory Expenses viz. betrothal, marriage, funerals, or other ceremonies of self or family members and dependents,
- (iii) Illness of self, family members or dependents,
- (iv) Purchase of consumer durables.

**Note-1:** It has been decided to permit withdrawal of up to twelve months pay or three-fourths of the amount standing at credit, whichever is less.

**Note-2:** For illness, the withdrawal may be allowed up to 90% of the amount standing at credit of the subscriber.

**Note-3:** A subscriber may seek final withdrawal after completion of ten years of service.

- (v) Housing, including building or acquiring a suitable house or a ready built flat for his residence,
- (vi) Repayment of outstanding housing loan:
- (vii) Constructing a house on a site acquired,
- (viii) Purchase of house site for building a house
- (ix) Reconstructing or making additions on a house already acquired.
- (x) Renovating, additions or alterations of ancestral house.

**Note-4:** A subscriber may be allowed to withdraw the amount actually subscribed by him along with interest thereon standing to his credit or the actual cost whichever is less in cases of final withdrawal under (v) to (vii) above.

**Note-5:** In cases of (viii) to (x) withdrawal up to 90% may be allowed.

**Note-6:** It has also been decided to do away with the present instructions which lay down that subsequent to the sale of house for which SRPF withdrawal has been availed, the amount withdrawn has to be deposited back.

**Note-7:** SRPF withdrawal for housing purposes will no longer be linked with the limits prescribed under HBA Rules. A subscriber may be permitted to avail the facility at any time during his service.

- (xi) Purchase, of motor car/motor cycle/Scooter etc. or repayment of loan already taken for purpose.
- (xii) Extensive repairs/overhauling of motor car,
- (xii) Making deposit to book a motor car/motor cycle/scooter, moped etc.

**Note-8:** A subscriber may be permitted to withdraw three-fourths of amount standing at credit or cost of the vehicle, whichever is less for the above purposes. Withdrawal for the above purpose will be permitted after completion of 10 year of service.

(2) Withdrawal of up to 90% of balance without assigning reasons may be allowed for railway servants who are due for retirement on superannuation within two year.

(3) In all cases of withdrawal from the Fund by the subscriber the Controlling Officer is competent to sanction withdrawal. No documentary proof will be required to be furnished by the subscriber. A simple declaration form by the subscriber explaining the reasons for withdrawal would be sufficient.

(4) A maximum time limit of fifteen days for sanction and payment of withdrawal from Fund. In case of emergencies like illness etc., time limit may be restricted to seven days.

**(Authority : Railway Board's Letter No. D-43/11/2017-F(E)III New Delhi, Dated: 15.05.2017; RBE - 47/2107)**

**926. Recovery of advances.**-(1) An advance under rule 923 shall be recovered from the subscriber in such number of equal monthly installments in a maximum of 60 installments—A subscriber may, at his option, repay more than one installment in a month. Each installment 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 installments.

(2) Recovery shall be made in the manner prescribed in rule 910 for the realization 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, when 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**

**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. As per rule 939, rules 927 to 938 are obsolete and are deleted.

**940. Withdrawal of Ninety percent.**-(1) 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.

(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.

(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 lump sum or in such installments 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 organization 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 railway servants, the powers of the controlling officer may be exercised by heads of departments, Divisional Railway Managers, Chief Workshop 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 or 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 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**

The **State Railway Gratuity Rules** are deleted from here.

# Chapter 11

## Joining Time Rules

1101.	Extent of application
1102.	On temporary transfer
1103.	On discharge for taking appointment at another station
1104.	On first appointment
1105.	Commencement of joining time
1106.	Time and place from which joining time is calculated
1107.	Amount of joining time admissible
1108.	Joining time on transfer
1109.	Extension of joining time
1110.	Crediting leave account with unutilised joining time
1111.	Continuation with vacation
1112.	When transfer orders are modified
1113.	Joining time Pay and Allowance
1114.	On deputation outside railways
1115.	On deputation to Railways

**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.

**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	10 days
More than 1000 Kms	12 days
More than 2000 Kms.	15 days except <i>in</i> 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 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 **the (mode of ) transport**.

**1110. Crediting leave account with unutilized 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, 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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## **Chapter 12**

### **Compensation for Injuries and Loss of Personal Property**

1201. Matters pertaining to “Compensation for Injuries and Loss of Personal Property” shall be governed by Rules/administrative instructions to be framed/issued by Railway Board under the powers delegated to it under foregoing Rule 123. Till such time such Rules are notified, extant provisions of Indian Railway Establishment Code (Vol I) 1985(Reprint edition, 2008), pertaining to these matters, as supplemented by Railway Board’s instructions and Advance Correction Slips would subsist and remain in force.

## CHAPTER 13

### RAILWAY FUNDAMENTAL RULES-PAY AND INCREMENT

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1344	Pay in case of re-instatement as a result of the order of court
1345.	Pay when a suspended railway servant is reinstated

**Note : Rules in this Chapter will be applicable along with the Railway Services (Revised Pay) Rules, 2016 modified time to time.**

**1301. (F.R.9) Definitions.**--Unless there be something repugnant in the subject or context ,the terms defined in this Code are applicable to this Chapter and succeeding Chapters of this volume.

**1302. (F.R.17) (1)--Pay and Allowances.**-- Subject to any exceptions specifically made in these rules and to the provision of sub-rule (2) a railway servant shall begin to draw the pay and allowances attached to his tenure of post with effect from the date he assumed the duties of the post, and shall cease to draw them as soon as he ceases to discharge those duties:

Provided that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence

### **Audit Instructions**

**Date of reckoning pay and Allowances.** --(1) Government servant will begin to the pay and allowances attached to his tenure of post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred in the afternoon, he commences to draw them from the following day. This rule does not, however, apply to cases in which it is the recognised practice to pay a Government servant at higher rate for more important duties performed during a part only of a day.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

**1303. (F.R.9) (21) (a)-Pay.**- Pay means the amount drawn monthly by a Government 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: and
- (ii) overseas pay, special pay and personal pay; and
- (iii) any other emoluments which may be specifically classified as pay by the President .

**Average Pay.** —Average Pay means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event 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 pay element in the running allowances as notified by government through administrative instructions from time to time.

### *Audit Instructions*

**(1) Average Pay.** --According to the definition of “average pay” in this Rule, the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken and for this purpose “the 12 complete month immediately preceding” should be interpreted literally.

(2) **Definition of month**--The term "month" in this Rule means "calendar month" in calculating a period expressed in terms of months and days, complete calendar months, irrespective of number of days in each, should first be calculated and the odd number of days calculated subsequently.

(3) **Ministerial servant** means a railway servant of a subordinate service whose duties are entirely clerical and any other class of servant specially defined as such by general or special order of a competent authority.

(4) In the case of Civil Government servant sent for training or embodied/called upon for duty in the Territorial Army. Auxiliary Air Defence Reserve, the leave salary should be calculated on the basis of the pay which he would have received if he had not proceeded on training etc. the pay under the Army/ Air Force Rules actually drawn during the period of training or embodiment should not be taken into account for this purpose.

**1304. (F.R. 9) (20)--Overseas Pay.**--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.

**1305. (F.R. 9) (23)--Personal Pay.**--Personal pay means additional pay granted to a railway servant-

(a) to save him from a loss in 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.

#### ***Government of India's decision***

(1) All cases in which it is proposed to grant personal pay under F.R.9 (23) (b) may be referred to the Railway Board. In submitting such cases the instructions conveyed in Railway Board's letter No.0193-F dated the 6th September, 1938 should be carefully borne in mind.

(2) **Principles to determine grant of personal pay.** --The following principles should be strictly observed for the grant of personal pay under F.R.9 (23) (b): --

No application for the grant of a compensatory personal pay should be entertained unless--

(a) the officer's service has been consistently satisfactory and has been of a character superior to what is ordinarily expected of the incumbent of the appointment;

(b) the officer is fit for promotion but there is no possibility of giving him any advancement in the near future; and

(c) the officer has been at least for the five years on the same pay or if his pay is progressive, on the maximum pay of his appointment.

The mere fulfilment of the conditions mentioned above should not be regarded as securing a personal pay to an officer as a matter of course, the purpose of the conditions being to enable obviously weak claims to be summarily rejected.

(M.F.D. No. D-4171-Ex-II/33 dt.26-10-33)

**1306. (F.R. 9 (24) )--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 the special pay was sanctioned.

#### **Audit Instructions**

**Presumptive pay of a post.** --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 lien on it.

**1307. (F.R. 9 (25))—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.

**Authority competent to grant special pay.**—The power of granting special pay as defined in this Rule shall be exercised only by the authority empowered to regulate the scales of ordinary pay.

(G.I., H.D.letter No.F-272-23 dated 16<sup>th</sup> Sept. 1926)

*Railway Ministry's Orders*

**Two rates of Special Pay.** --When a post on the cadre of a service carries different rates of special pay for “old entrants” and “new entrants”, single rate of special pay should be granted to all future incumbents of the post and that this should be the rate, if any, considered suitable for “new entrants”.

(Railway Board's letter No. 9916-F-IV dt. 25<sup>th</sup> May,1938.)

**Audit Instructions**

**Calculation of Special Pay in certain cases.**—When special pay has been sanctioned in the form of a portion or percentage of pay in the ordinary line and the pay in the ordinary line includes an element of sterling overseas pay, such special pay should be determined as follows—

- (a) the special pay is admissible on the sterling overseas pay as well as on the rupee basic pay;
- (b) the special pay must be expressed and drawn wholly in rupees;
- (c) the sterling overseas pay should for the purpose of calculating the special pay be converted into rupees at the rate of 1\$.6d. to the rupee.

**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 his being required to perform onerous additional duties in another post without remuneration.

**1308. (F.R. 9 (27)) -- Subsistence grant** means a monthly grant made to a railway servant who is not in receipt of pay or leave salary.

**1309. (F.R.9(28)):** -- **Substantive Pay** means the pay other than special pay, personal pay or emoluments classed as pay by the President under Rule 1303(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.

**1310. (F.R. 9 (31) (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 increments and the rate of increment of the time-scales 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 his position in the cadre or class, and not by the fact that he holds that post.

## Railway Board's Orders

**Method of calculation of average cost of a post on a time-scale of pay.** --(a) The President has decided that in the case of Groups C establishment on a time- scale of pay, the mean cost of the scale of pay applicable to such establishment should be taken to be the 'average cost' of that time-scale.

(b) The 'average cost' of a Group A or B post should be worked out in accordance with the following formula—

$$\text{Average cost} = \frac{A+C(-A)}{2+2} [1-(S+1)\{ 0.006 + \frac{1-.004}{G-E} \}]$$

Where-

A- minimum pay,

C-pay just before promotion to the second grade,

S-period of rise from A to C,

E-average age at entry in the first grade, and

G-average age at the time of promotion to the second grade

(Railway Board's letter No.2038-F,dt 11<sup>th</sup> Jan 1937)

**1311. F.R.20--Pay during periods treated as Duty under Rule 103(15), (a) (F.R.9 (6) (b)).** - In respect of any period treated as duty under Rule 103 (15) (a) (F.R.9 (6) (b)), a railway servant may be granted such pay as competent authority may consider equitable but in no case exceeding the pay which the Railway Servant would have drawn had he been on duty other duty than under rule F.R.9 (6) (b).

## Government of India's decision

**(1) Pay during training of the officers of A.I.R.O.--** A Government servant, who as an officer of the Army in India Reserve, carries out his military training on the expiry of leave out of India taken from his civil appointment, and before joining his civil appointment for duty, should receive pay as follows—

- (i) Joining time civil pay from the date of disembarkation in India to the date preceding that on which his military training commenced.
- (ii) Full civil pay during the period of training.

(G.I.,F.D.No.F-14(25)-R.1/31 dt. 17<sup>th</sup> August.1931.)

**(2) Pay during training of Reservists of the Indian Army in civil Employ.** --A reservist of the Indian Army in Civil employ will, when called up for periodical military training receive military pay allowances. He will also receive the excess, if any, of the civil pay over his military pay, provided that this concession is specifically sanctioned by the Department of the Government of India or attached and subordinate office concerned, or by the Local Government in whose employ the

reservist is serving in his Civil capacity. Except where the Civil pay of the reservist is met from the Army Estimates, the extra expenditure involved will not constitute a charge against the Army Estimates.

The periods spent in training and on the journey to and from the place of training, will be treated as duty for purposes of Civil leave, pension and increments of Civil pay.

(G.I.F.D.No.F-22-R.1/32 dt. 14<sup>th</sup> April, 1932.)

**(3) Pay of temporary/officiating railway servants during the period treated as duty under F.R.9 (6)(b).**- In the case of a temporary/officiating railway servant without any lien on a permanent post treated as on duty under the said rule the authority to whom powers have been delegated under F.R.20 (511) may fix the rate of pay to be given to him for such period, provided that it shall not, in any case, be more than the officiating pay which the railway servant would have drawn in the normal course.

(Railway Board's letter No.F(E) 59/FR-1/2 dt.25<sup>th</sup> May 59.)

### ***Audit Instructions***

**(1) Pay during training of an officiating officer-** A Government servant who is treated as on duty during a course of instruction or training and who, at the time when he was placed on such duty, was drawing higher pay on account of an officiating appointment but for such instruction or training, be allowed to draw pay equivalent to what he would have drawn had he been holding the officiating appointment.

**(2) Interpretation of certain expressions used in F.R.20 (Rule 1311).** – The expressions “the pay of any officiating appointment” occurring in F.R.20 (Rule 1311) should be taken to mean “the pay which the Government servant drew in the post which he held substantively” and “the pay which the Government servant drew in the post in which he officiated” respectively. In neither case is there any restriction on the kind ‘pay’ to be drawn, and the expression should, therefore, be held to include special pay, if any, which the Government servant drew in the post which he held substantively or in an officiating capacity.

**1312. (F.R.21)–Time Scale Pay.** --Rules 1313 to 1323 (F.R.22 to 29) and Rule 1326 (F.R.31) shall not apply to any time scale of pay in so far as they are inconsistent with the specific terms sanctioned for such time scale by the President.

**1313. (FR-22) (I)**–The initial pay of a railway servant who is appointed to a post on a time scale of pay is regulated as follows **(effective from 24.11.2018)**:--

(a)(1) where a Railway servant holding a post, other than a tenure post, in a substantive or temporary or officiating is promoted or appointed in a substantive, temporary or officiating capacity, as the case may be, subject to the fulfillment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater Importance than those attaching to the post held by him, his initial pay in the time-scale shall be fixed by giving one increment in the level from which the Railway servant is promoted and he or she shall be placed at a cell equal to the figure so arrived at in the level of the post to which promoted or appointed and if no such cell is available in the level to which promoted or appointed, he shall be placed in the next higher cell in that level.

Save in cases of appointment on deputation to an ex-cadre post or to a post on ad-hoc basis or on direct recruitment basis, the Railway servant shall have the option, to be exercised within one month from the date of promotion or appointment or as the case may be, to have the pay fixed under this rule from the date of such promotion or appointment or to have the pay fixed initially at the next higher cell in the level of post to which he or she is promoted on regular basis and subsequently, on the date of accrual of next increment in the level of the post from which Railway servant is promoted, shall be re-fixed and two-increments his pay (one accrued on account of annual increments and second accrued on account of promotion) shall be granted in the level from which the Railway Servant is promoted and he or she shall be placed, at a cell equal to the figure so arrived, in the level of the post to which he or she is promoted; and if no such cell is available in the level to which he or she is promoted, he or she shall be placed at the next higher cell in that level.

In cases where an ad hoc promotion is followed by regular appointment without break, the option is admissible from the date of initial appointment or promotion, to be exercised within one month from the date of such regular appointment.

In cases where an officer has retired as ad-hoc before being regularized to that post and later on has been assessed during the process of regularization and found fit by the competent authority along with his or her juniors, who are still in service and are eligible to avail of the option facility from a date on which the retired employee was still in service, the same option facility shall also be extended to the retired employee, to be exercised within three months from the date when his or her junior became eligible to avail of option facility and in cases where such retired employee was himself the junior most, he or she may exercise the option facility within three months from the date when his or her immediate senior become eligible to avail of option facility:

Provided that where a Railway servant is, immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the lower post, his initial pay in the level of the higher post shall be fixed at the cell equal to the figure so arrived at in the level of the post to which promoted or appointed by increasing his pay in respect of the lower post held by him on regular basis by an amount equal to the last increment in the level of the lower post and if no such cell is available in the level to which he is promoted or appointed, he shall be placed at the next higher cell in that level.”

(Authority Board’s letter No.2018/F (E)II/3(1)/1, dated 15/03/2019; RBE – 51/2019 : ACS-63 )

(2) When the appointment to the new post does not involve such assumption of duties and responsibilities or greater importance, he shall draw as initial pay, the stage of the time scale which is equal to his pay in respect of the old post held by him on regular basis, or, if there is no such stage, the stage next above his pay in respect of the old post held by him on regular basis;

Provided that where the minimum pay of the time scale of the new post is higher than his pay in respect of the post held by him regularly, he shall draw the minimum as the initial pay;

Provided further that in a case where pay is fixed at the same stage, he shall continue to draw that pay until such time as he would have received an increment in the time scale of the old post; in cases where pay is fixed at the higher stage, he shall get his next increment on completion of the period when an increment is earned in the time scale of the new post.

On appointment on regular basis to such a new post, other than to an ex-cadre post on deputation, the Railway servant shall have the option, to be exercised within one month from the date of such appointment, for fixation of his pay in the new post with effect from the date of appointment to the new post or with effect from the date of increment in the old post.

(3) When appointment to the new post is made on his own request under (Rule 227 (a) (2)-RI (FR-15A) (2)) and the maximum pay in the time scale of that post is lower than his pay in respect of the old post held regularly, he shall draw that maximum as his initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he shall draw as initial pay on the minimum of the time scale.

Provided that, both in cases covered by clause (a) and in cases, other than the cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), if he;

(1) has previously held substantively or officiated in –

(i) the same post, or

(ii) a permanent or temporary post on the same time scale; or

(iii) a permanent post or a temporary post (including a post in a body, incorporated or not, which is wholly

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or substantially owned or controlled by the Government) on an identical time scale; or

(2) is appointed subject to the fulfillment of eligibility conditions as prescribed in the relevant recruitment rules to a tenure post on a time scale identical with that of another tenure post which he has previously held on regular basis; then the initial pay shall not, except in cases of reversion to parent cadre, governed by proviso (1) (iii) be less than the pay, other than special pay, personal pay or any other emoluments which may be classed as pay by the President under Rule 1303 (iii)- RII (FR-9 (21) (a) (iii)) which he drew on the last occasion, and he shall count the period during which he drew that pay on a regular basis on such last and any previous occasions for increment in the stage of the time scale equivalent to that pay. If, however, the pay last drawn by the Railway servant in a temporary post had been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of these increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post which he had held on a regular basis. The service rendered in a post referred to in proviso (1) (iii) shall, on reversion to the parent cadre, count towards initial fixation of pay, to the extent and subject to the conditions indicated below:

- (a) The Railway servant should have been approved for appointment to the particular grade or post in which the previous service is to be counted;
- (b) All his seniors, except those regarded as unfit for such appointment, were serving in posts carrying the scale of pay in which benefit is to be allowed or in the higher posts, whether in the Department itself or elsewhere and at least one junior was holding a post in that Department carrying the scale of pay in which the benefit is to be allowed; and
- (c) The service will count from the date his junior is promoted on a regular basis and the benefit will be limited to the period the railway servant would have held the post in his parent cadre had he not been appointed to the ex-cadre post.

#### ***Railway Board's Orders***

(1) These rules will not apply to ad-hoc promotions from Group 'B' to Group 'A' and ad-hoc promotions within Group 'A' for which separate orders issued by Railway Board will hold good.

(2) Duties and responsibilities of greater importance for the purpose of Rule 1313(FR-22):

- (i) For the purpose of fixation of substantive pay (including presumptive pay) a junior scale post shall be deemed to carry duties and responsibilities of greater importance than those attached to Group B post (including the post of an Assistant Accounts Officer).

(This takes effect from 2<sup>nd</sup> July, 1959)

- (ii) Appointments of the following classes shall be deemed to involve the assumption of duties and responsibilities of greater importance-
  - (a) appointment to the Assistant Officer's grade from a non- gazetted post;
  - (b) appointment to the Sr. Scale post from an Assistant Officer's or lower grade post;
  - (c) appointment to Junior Administrative Grade post from the Sr. Scale post;
  - (d) deleted
  - (e) appointment to a Senior Administrative Grade post from a Junior Administrative Grade post;
  - (f) appointment to a Higher Administrative Grade post from a Senior Administrative Grade post

- (3). I. A temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on a different rate of pay is not the same post as the permanent post even though the duties remain the same.

II. The President may specify posts outside the ordinary line of service the holder of which may, notwithstanding the provisions of this rule and subject to such conditions as the President may prescribe, be given officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay whether with or without any special pay attached to such posts as they would have received if still in the ordinary line.

III. For the purpose of this rule, the appointment shall not be deemed to involve the assumption of duties and responsibilities or greater importance if the post to which it is made is on the same scale of pay as the post, other than a tenure post, which the railway servant holds on a regular basis at the time of his promotion or appointment or on a scale of pay identical therewith.

IV. Notwithstanding anything contained in this rule, where a railway servant holding an ex-cadre post is promoted or appointed regularly to a post in his cadre, his pay in the cadre post will be fixed only with reference to his presumptive pay in the cadre post which he would have held but for his holding any ex-cadre post outside the ordinary line of service by virtue of which he becomes eligible for such promotion or appointment.

(Authority No. F (E)II/89/FR-1/1 dated 12-12-1991)

**1314. (F.R.22A)--Fixation of pay on re-appointment.**--The initial substantive pay of a railway servant who is appointed substantively to a post on a time scale of pay which has been reduced for reasons other than diminution in the duties or responsibilities attached to posts thereon, and who is not entitled to draw pay on the time scale as it stood prior to reduction is regulated by Rule 1313 (F.R.-22) provided that in the case of re-appointment on or after 1-6-1950 both in cases covered by clause 'a' of that Rule and in cases other than those of re-employment after resignation from the public service covered by clause 'b', that if he either-

(1) has previously held substantively or officiated in—

(i) the same post prior to reduction of its time scale, or

(ii) a permanent or temporary post on the time scale as the unreduced time scale of the post; or

(iii) a permanent post other than a tenure post or a temporary post, on time scale of pay identical with the unreduced time scale of the post, such temporary posts being on the same timescale as a permanent post other than a tenure post;

OR

- (2) is appointed substantively to a tenure post, the time scale of which has been reduced without a diminution in the duties or responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time scale identical with the unreduced time scale of the tenure post:

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the President, under Rule 103(35) (FR-9) (21) (a) (3) which he would have drawn under Rule 1313 (F.R.22) on the last such occasion, if the reduced time scale of pay had been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasion.

**1315. (F.R.22B) (1).**-Notwithstanding anything contained in these rules, the following provisions shall govern the pay of a railway servant who is appointed as probationer in another service or cadre and subsequently confirmed in that service or cadre-

- (a) during the period of probation he shall draw pay at the minimum of the time scale or at the probationary stages or the time scale of the service or the post, as the case may be:



Provided that if the presumptive pay of the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien been not suspended; should at any time be greater than the pay fixed under this clause, he shall draw the presumptive pay of the permanent post;

(b) On confirmation in the service or post after the expiry of the period of probation, the pay of the railway servant shall be fixed in the time scale of the service or post in accordance with the provisions of the Rule 1313 (FR 22) or Rule 1316 (F.R.22 C) as the case may be:

Provided that the pay shall not be so fixed under Rule 1313 (F.R. 22) or Rule 1316 (F.R.22C) with reference to the pay that the railway servant would have drawn in the previous post held by him in temporary capacity and he shall continue to draw pay in the time scale of service or post as admissible under the normal rules.

(Rly. Board's letter No. F(E)II/79/FR-1/3 dated 12-3-1980.)

(2) The provisions contained in sub-rule (1) shall apply mutatis-mutandis to cases of railway servants appointed on probation with definite conditions against temporary post in another service or cadre whether recruitment to permanent post as such service or cadre is made as probationers, except that in such cases the fixation of pay in the manner indicated in clause 'B' of sub-rule (1) shall be done under Rule 1326 (F.R.31) immediately on the expiry of the period of probation and on regular officiating appointment to a post either permanent or temporary in the service or cadre.

(3) Notwithstanding anything contained in these rules, a railway servant appointed as an Apprentice in another service or cadre shall draw-

- (a) during the period of Apprenticeship, the stipend or pay prescribed for such period provided that if the presumptive pay of the permanent post other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than stipend or pay fixed under this clause, he shall draw the presumptive pay of the permanent post;
- (b) on satisfactory completion of the Apprenticeship and regular appointment to a post in the service or cadre, the pay as fixed in the time scale of the service or post under Rule 1313 (F.R.22) or 1316 (F.R.22C) or Rule (F.R.31) as the case may be:

Provided that the pay shall not be so fixed with reference to the pay that the railway servant would have drawn in the previous post held by him in temporary capacity and he shall continue to draw pay in the time scale of service or post admissible under the normal rules.

(Rly. Board's letter No. F(E)II/79/FR-1 dated 12-3-80.)

**1316. (F.R.22 C).** ----Deleted except President's Decisions and Railway Board's Orders .

(Authority: Railway Board's letter No. F(E)II/89/FR-1/1 dt.12.12.91 )

### ***PRESIDENT'S DECISIONS***

(1) A question has been raised as to whether the provisions of Rule 1316 would be applicable even in cases of promotion to ex-cadre post

It is clarified that Rule 1316 shall be applicable in such cases also provided that railway servant is entitled to draw pay in the scale of pay attached to the higher ex-cadre post, in accordance with the terms of deputation or transfer sanctioned for him. Where, however, according to the terms of deputation or transfer railway servant is given his grade pay of the post held by him in his own cadre plus a deputation allowance or special pay at a fixed rate or related to such grade pay, the question of applying provisions of Rule 1316 shall not arise.

Similarly, in the case of a railway servant who draws pay in the scale of pay attached to an ex-cadre post if he reverts to his parent cadre, and is appointed in that cadre to a post higher than the ex-cadre post immediately held before reversion, his pay shall be fixed in accordance with Rule 1316 with reference to the pay drawn or admissible to him in the post in his

cadre except that the benefit of service rendered upto 17-11-1966 in an ex-cadre post in an identical time scale of pay or in higher scale shall be given for pay fixation/increments in the post in the parent service/cadre to which the officers reverts to the extent admissible under orders in force prior to 18-11-1966. These cases also, the orders shall not be applicable if in the ex-cadre post, the railway servant has been allowed to draw pay on the basis of his pay in parent cadre and a deputation allowance or special pay.

(E(P&A) II / 73/ PP-3 dated 16.5.73.)

(2) Whether the benefit of fixation of pay under Rule 1316 (F.R. 22C) can be given in the case of terms under 'Next Below Rule'.

It is clarified that Rule 1316 (F.R.22C) can be applied in fixing pay under 'Next Below Rule'.

(3) Under Rule 1316 certain points of doubt under the above order are clarified as under: --

Points	Clarification
(i) Whether It would be admissible to step up the pay of a senior railway servant in terms of Rule 1316 if the promotion of junior railway servant is in a lien/short term vacancy.	The benefit of stepping up of pay of seniors with reference to that of juniors can be given only in cases where the promotions of the senior and the junior are on a regular basis.
(ii) How the orders regarding stepping up of pay will be applied in cases where the pay of a senior employee promoted earlier has been withheld or has been reduced to a 'lower stage' in the time scale in the higher, post with or without cumulative effect.	In cases where the increment in the higher post has been withheld or where a railway servant's pay is reduced to a lower stage in the time scale of the higher post without cumulative effect, the orders of stepping up will be applicable from the date of expiry of the penalty by which time a junior had already been promoted subject to the fulfillment of other conditions laid down therein. In the case of persons whose increment has been withheld or whose pay has been reduced to a lower stage of the time scale in the higher post with cumulative effect, the orders of stepping up shall not be applicable.
(iii) Whether the orders of stepping up would apply to persons whose juniors pay in the lower post was inflated on account of the proviso to and exception below Rule 1313 (F.R.22)-- having been allowed.	If as a result of application of the proviso to and the exception below Rule 1313 (F.R.22) the pay of the junior is more than that of the senior in the lower post, there would be no question of stepping up the pay of the senior in the higher post. If despite the application of the proviso to and the exception below Rule 1313 (F.R.22) the junior's pay is less than that of the senior and on promotion the former's pay happens to be greater than the pay of latter by virtue of the provisions of Rule 1316 (F.R.22C), stepping up will have to be done with reference to the actual pay drawn by the junior in the higher post.
(iv) Whether the orders of stepping up would be applicable to a railway servant in the lower post who is promoted to the higher post earlier than his senior due to high ranking given to him, if the senior in the lower post who is promoted later gets a higher pay.	No. The orders of stepping up are not applicable in cases where the junior employee in the lower grade is promoted earlier due to high ranking given to him by the Selection Board and the senior employee (in the lower grade) is promoted later.
(v) In cases where the list of seniority in the	According to the provisions of stepping up orders, both the junior and senior railway servants should

lower post is maintained locally and in higher posts the same is maintained on all-railways basis, how the orders of stepping up will be made applicable?	belong to the same cadre. To illustrate, in a case where a senior employee of one seniority (promotion) group maintained locally is promoted earlier to a higher post on the basis of list of seniority which is maintained on all-railway basis, he can get his pay stepped up only with reference to the pay of a junior belonging to the same seniority group in the lower post which was maintained locally.
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(Board's letter No. PC-65/PP-1 dated 18-9-1965 and PC-60/PP-1 dated 19-3-1966)

(vi) How the pay of a railway servant fixed under this Rule on promotion to a higher post should be regulated when a junior to him in the lower post is promoted to the same higher post after earning increments in the lower post and thereby getting his pay in the higher post fixed at a stage higher than that of the senior railway servant.	<p>In order to remove anomaly, the railway servant may be given an option for fixation of his pay on promotion as under: --</p> <p>(a) Either his initial pay may be fixed in the higher post on the basis of Rule 1316 (F.R.22C) straightaway without any further review on accrual of increment in the pay scale of the lower post</p> <p style="text-align: center;">or</p> <p>(b) His pay on promotion may be fixed initially in the manner as provided under Rule 1313 (F.R.22 (A)(1)) which may be re-fixed on the basis of the provisions of Rule 1316 (F.R.22C) on the date of accrual of next increment in the scale of pay of the lower post.</p> <p>If the pay is fixed under (b) above, the next date of increment will fall due on completion of 12 months qualifying service from the date the pay is re-fixed on the second occasion.</p> <p>Option may be given within one month of the date of the promotion. Option once exercised shall be final. This is applicable to promotions effected on or after 1-5-81.</p>
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(Railway Board's letter No. E(P&A)II-81/PP-4 dated 13-11-1981.)

(4) Deleted

**(5) (i) In regard to re-fixation of pay on confirmation in a post after introduction of Rule 1316 (F.R.22C).--**

(i) A question has been raised as to how the pay on substantive appointment to a post should be regulated after introduction of Rule 1316 (F.R.22C). It has been decided that as in the case of railway servants who are governed by Rule 1313 (F.R.22) and whose officiating pay has been fixed under Rule 1326 (F.R.31) read with Rule 1313 (F.R.22), confirmation is an occasion for re-fixation of pay. Their pay on confirmation should be re-fixed but this re-fixation shall be under the Rules applicable to the railway servant but for introduction of Rule 1316 (F.R.22C). However, if any junior promoted after 1-4-1961 gets pay more than his seniors, the seniors will be entitled to the benefit of stepping up of their pay if the same is advantageous to them.

(ii) It is further clarified that on the introduction of Rule 1316 (F.R.22C) with effect from 1-4-1961, confirmation is not an occasion for re-fixation of pay if pay had once been fixed under that rule.

(Railway Board's letter No. PC-60/PP-1 dated 27-6-1966.)

(6) The position in regard to application of Rule 1316(F.R.22C).--In cases of railway servants who are appointed to higher posts with the approval of Union Public service Commission and in whose case the Commission have made a specific recommendation regarding the initial pay is that in a case where the Union Public Service Commission recommend a specific rate of pay to be given to the railway servants, the person concerned should be eligible for that rate of pay. However, if on the contrary the Commission recommend that the pay should be fixed under the 'normal rules' then the pay may be fixed under Rule 1316 (F.R.22C) subject, of course to the condition that the post is higher than the post previously held by the employee.

In order to enable the Accounts/Audit authorities to see that the pay has been fixed in accordance with the above, in all cases of appointment of Government/railway servants to other posts through Union Public Service Commission/Railway Recruitment Board, re-recommendation of the Commission in the matter of pay i.e. whether it is a specific rate of pay or pay to be fixed under the 'normal rules', as the case, may be should invariably be indicated in the order or notification appointing the employee concerned to the railway post.

(Rly. Board's letter No.PC-64/PP-4 dated 7-9-1966.)

(7) Reference Para 3 of President's Decision No.1 under Rule 1316 (F.R.22C). A point has been raised as to how the pay of a person reverting from an ex-cadre post to an identical/equivalent cadre post in the parent department is to be fixed.

It has been decided that where a person goes from post 'A' in his parent department to a post 'B' else where and reverts to post 'C' in his parent department and post 'C' is higher than post 'A' but not higher than post 'B', the pay in the post 'C' should be fixed under Rule 1316 (F.R.22C) with reference to pay in post 'A' However, the service rendered against post 'B' upto 17-11-66 shall be taken into account in fixing the pay against post 'C', if this is more advantageous to the railway servant.

(8) Application of Rule 1316 (F.R. 22-C) to State Government servants on appointment to higher posts under the Administrative Control of the Railway Board. A question has been raised as to whether Rule 1316 (F.R. 22-C) is applicable to State Government servants on appointment to higher posts under the Government of India and whether for purpose of fixation of pay of state Government servants on appointment under the Government of India, the Dearness Allowance admissible under the State government may be included in basic Pay. It has been decided that—

- (i) When a State Government servant is appointed to a railway post which carries duties or responsibilities of greater importance than those attaching to the post held by him under the State Government, the initial pay of the official in the railway post shall be fixed under Rule 1316 (F.R. 22-C) at the stage next above the pay of the post of State Government as arrived at under (ii) below.
- (ii) The Pay of the post in the State Government shall first be increased by one increment and Dearness Allowance if any admissible under the State Government which shall be treated as basic pay for the purpose of fixation of pay in the railway post shall be added there-to subject to the following conditions: -
  - (a) The maximum amount of Dearness Allowance to be taken into account will be Rs.100 or the actual amount of Dearness Allowance that will be taken into account by the State Government concerned for fixation of pay in their revised scales, if revision has taken place, whichever is less.
  - (b) From the basic pay so arrived at, the dearness Allowance at the revised rates admissible according to the Railway Rules should be deducted.

NOTE (1).--For assessing the relative degrees of responsibility of the posts under the state Government and those under the railway Board, all relevant factors including the duties attached to the post, will be taken into consideration.

NOTE (2).--However when a State Government servant drawing pay in the revised scale (after merging of dearness Allowance) under the State Government is appointed to a post on the railways and the post carries duties or responsibilities of

greater importance than those attaching to the post held by him under the state Government, the initial pay of the official in the railway post should be fixed under Rule 1316 (F.R. 22-C) with reference to his basic pay only and the provisions contained in para (ii) (a) and (b) will not apply in such cases. (Board's letter No.PC-64/PP/4 dated 21<sup>st</sup> April 1964 and No.PC-66/PP/9 dated 2<sup>nd</sup> December, 1966).

(9) (i) By a strict application of the above rule, it may happen that a railway servant promoted or appointed to a higher post on or after 1<sup>st</sup> April, 1961 may draw a lower rate of pay in that post than another railway servant, junior to him in the lower grade and promoted or appointed subsequently to another identical post.

(ii) In order to remove this anomaly it has been decided that in such cases the pay of the senior employee in the higher post should be stepped up to a figure equal to the pay as fixed for the junior employee in that higher post. The stepping up should be done with effect from the date of promotion or appointment of the junior employee and will be subject to the following conditions namely:-

(a) Both the junior and senior employees should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;

(b) The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical; and

(c) The anomaly should be directly as a result of the application of Rule 1316 (F.R. 22-C). For example, if even in the lower post the junior employee draws from time to time a higher rate of pay than the senior by virtue of fixation of pay under the normal rules, say due to grant of advance increments or due to accelerated promotion, etc., the provisions contained in this letter will not be invoked to step up the pay of the senior employee.

(iii) The orders refixing the pay of the senior employees in accordance with the provisions of this letter shall be issued under Rule 1321 (F.R.27).

The next increment of the senior employee will be drawn on completion of the requisite qualifying service with effect from the date of refixation of pay.

NOTE: These provisions are also applicable to cases where a senior Railway servant promoted to a higher post before 1.1.1973 draws less pay in the revised scales promulgated on the recommendations of the 3<sup>rd</sup> Pay Commission when his junior promoted to that higher post after 1.1.1973 provided the scales of the lower and higher posts in question, both revised and unrevised, are identical. The benefit of stepping up is admissible only if the promotions are on regular basis.

Authority: Ministry of Railways' letter No. E(P&A)II/90/PP-2, dated 30-11-1990.

(iv) These orders take effect from 2<sup>nd</sup> February 1966. Cases of seniors drawing less pay than juniors in respect of promotions occurring on or after 1<sup>st</sup> April, 1961 may also be regulated under these orders but the actual benefit would be admissible from 2<sup>nd</sup> February, 1966.

(10) The benefit of stepping up of pay under President's Decision above, should also be allowed to such of the seniors as are confirmed in the higher grade before the junior is promoted to the higher grade. In such cases the conditions for the eligibility to the benefit of stepping up of pay, viz, conditions (a) and (c) of para 2 Decision No. 4 should be determined with reference to the date on which the senior employee was promoted to the higher post but the quantum of stepping up of pay will depend on the pay admissible to the junior man on the date of his promotion to the higher post.

(Board's letter No.PC-60/PP/1, dated 22<sup>nd</sup> July, 66.)

### ***Railway Board's Orders***

A point has been raised as to how the pay of a railway servant who happens to be promoted to two different post carrying higher responsibilities on the same date should be regulated after the introduction of Rule 1316 (F.R.22C) with effect from 1<sup>st</sup> April 1961.

- (i) He should be deemed to have been promoted first to the lower post and pay fixed under Rule 1316 (F.R.22-C) RII provided it is certified that he would have held this post for a period not less than 22 days but for his promotion to the higher post.
- (ii) He should subsequently be promoted to higher post and pay fixed under Rule 1316 (F.R.22-C) with reference to the pay arrived at in (i) above.

(Board's letter No.PC-57/PP/13 dated 27<sup>th</sup> July, 1967.)

**1317. (F.R.23)-Change of pay of Post.**--The holder of a post, the pay of which is changed shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

#### **Audit Instructions**

**(1) Officiating Railway servants.**--This rule applies to an officiating as well as to a substantive holder of a post.

**(2) "Subsequent Increment".**--The expression "subsequent increment in the old scale' in the proviso to F.R.23-- , should be held to include grade promotion in cases in which a time-scale of pay has been substituted for a grade scale of pay.

#### **Government of India's decision**

The Government of India have decided that F.R. 23 equally applies in cases where a revision of pay is accompanied by change in status of a post. In such cases, the post virtually continues as before. Where, however, a revision of pay is concurrent with a specific change in the duties and responsibilities attached to the post, the old post will be deemed to have been substituted by a different post. In such cases the individual will be treated as having been appointed to a higher or lower post, as the case may be, and pay will be fixed under the relevant rules, and not under F.R.23.

(G.I., M.F. O.M.No, 1(40)EIII(A)65, dated 6-11-65.)

#### **Government of India's Orders**

**Option available for upward/equivalent/downward revision.** --A question has been raised whether the option under F.R.23 is available to the holder of a post, the time-scale of which is reduced or whether in such cases the Government servant should be brought on compulsorily to the reduced time-scale and his pay fixed thereon in accordance with F.R. 22-A matter has been carefully considered in consultation with the Ministries of Home Affairs, Law and the Comptroller and Auditor General and the following clarification is issued: -

- (1) Under F.R.23 the holder of a post, the pay of which is changed, is entitled to the option to retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale.
- (2) In view of these provisions, it is clarified that in the case of a Government servant holding a post at the time of revision of the time-scale of that post, the option under F.R.23 as stated above shall be available to him irrespective of the fact whether the revision of the pay scale is in upward or equivalent or downward direction.
- (3) The question of fixation of pay in the revised scale under F.R. 22-A in cases of reduction of time-scale of pay of a post will arise only when the government servant does not opt under F.R.23 to retain the old scale.
- (4) In cases when a Government servant is not holding a post at the time of reduction of its time scale, but has held the same post prior to the reduction of the time-scale, the question of giving option under F.R. 23 to retain the old scale, on reappointment to the same post after the reduction of the scale of pay does not arise. In such

cases on reappointment after the date of reduction of the scale, the pay shall be fixed in accordance with the provisions of F.R. 22-A.

(G.I.,M.F.,O.M.No.2(62)-Estt.III/60 dt 29<sup>th</sup> August,1960)

**Date of next increment in case of fixation at the minimum.-** (1) When the scale of pay of a post is revised upwards without involving assumption of duties and responsibilities of greater importance, the fixation of pay of the incumbents is regulated under F.R.23 and F.R. 22 (a) (ii) read with Audit Instruction (I) below F.R.22. In other words, the pay of the incumbent is fixed at the same stage, if any, in the new scale and if there is no such stage, at the stage next below in the new scale and the difference allowed as personal pay to be absorbed in future increases in pay. In both the cases, the next increment will be drawn on the date of increment in the old scale or in the new scale, whichever is earlier.

2. In cases where the minimum pay of the revised scale is higher than the pay drawn by the Government servant in the old scale, his pay will be fixed at the minimum of the revised scale. A question has been raised as to when the Government servant will be eligible to draw the next increment after such initial pay fixation at the minimum of the scale.

3. It is hereby clarified that the next increment in the cases of the kind mentioned in the preceding paragraph should be allowed in the revised scale, only after completion of full incremental period of 12 months/24 months, as the case may be, at that stage, from the date of fixation of initial pay in the revised scale, subject to the provisions of F.R.26.

(G.I. M.H.A., Deptt. Of Personnel & A.R., O.M. No.F-13/14/83-Estt.P-I, dated the 9<sup>th</sup> January, 1984.)

**1318. (F.R. 24) Increments in Time-scale.** – An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a railway servant by a competent authority if his conduct has not been good or his work not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.

Notwithstanding anything contained in these rules, on or after 1-11-73, the increment shall be drawn as from the 1<sup>st</sup> of the month in which it falls due under the normal rules and the date of next increment shall be reckoned on this basis viz. 1<sup>st</sup> of the month in which initially the increment was drawn on or after 1-11-73. In such cases, the pay of railway servants on promotion/appointments to higher grades/posts shall be fixed in the higher scale after taking into account the increment to be drawn from the first of the month notwithstanding that the date on which that increment actually falls due is after the date of promotion.

(Railway Board's letter No. PC III/74/INC/1 dt 17-1-74 and dated 3-6-75.)

When the increment is withheld for a specified period as a measure of penalty, the increment should be drawn from the date from which the penalty imposed ceases to operate. The subsequent increment shall however be admitted/drawn from the first of the month in which they fall due under normal rules, the period of dies-non like break in service etc. being treated in the same way as leave without pay.

(Railway Board's letter No. PCIII/75/Inc/2 dt. 10.11.75)

**1319. (F.R.25). --Increments above an efficiency Bar.-- Deleted**

**1320. (F.R.26) Reckoning Service for increments.--**The following provisions prescribe the conditions on which service counts for increments in a time-scale—

(a) All duty in a post on a time-scale counts for increments in that time-scale:

Provided that, for the purpose of arriving at the date of the next increment in that time-scale, the total of all such periods as do not count for increment in that time-scale shall be added to the normal date of increment.

- (b) (i) Service in another post, other than a post carrying less pay referred to in clause (a) of Rule 227 (F.R.15) whether in a substantive or officiating capacity, service on deputation out of India and leave except extraordinary leave taken otherwise than on medical certificate, shall count for increments in the time-scale applicable to the post on which the railway servant holds a lien, as well as in the time-scale applicable to the post or posts, if any on which he would hold a lien had his lien not been suspended.

Provided that the service rendered in an ex-cadre post shall not be reckoned for fixation of pay in another ex-cadre post and the pay in subsequent ex-cadre post shall be fixed under the normal rules with reference to pay in the cadre post.

- (ii) All leave except extraordinary leave taken otherwise than on medical certificate and the period of deputation out of India shall count for increment in the time-scale applicable to a post in which a railway servant was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India:

Provided that the competent authority may, in any case in which he is satisfied that the extra-ordinary leave was taken for any cause beyond the railway servant's control or for prosecuting higher scientific and technical studies, direct that extraordinary leave shall be counted for increments under clause (i) or (ii).

- (c) (i) If a railway servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, or is appointed or re-appointed to a post on the same time-scale of pay, count for increment in the time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower post is, however, restricted to the period during which the railway servant would have officiated in the lower post but for his appointment to the higher post. This clause applies also to a railway servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated in such lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

- (ii) If a railway servant on reversion from an ex-cadre post to the present cadre is appointed to a post on a scale lower than that of the ex-cadre post but not on the same time-scale as the post held at the time of his transfer to the ex-cadre post, the service rendered on the higher scale in the ex-cadre post, shall count for increments in the time-scale applicable to the cadre post subject to the same conditions as are laid down for cases falling under proviso (1)(iii) to Rule 1313 (F.R.22).

- (d) Foreign service counts for increments in the time-scale applicable to-

- (i) the post in railway service on which the railway servant concerned holds a lien as well as the post or posts if any, on which he would hold a lien had his lien not been suspended;
- (ii) The post in railway service in which the railway servant was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post on the same time-scale but for his going on foreign service; and
- (iii) Any post in the parent cadre on a lower scale of pay to which the railway servant is appointed on reversion from the ex-cadre post subject to the fulfillment of the conditions mentioned in proviso (1) (iii) to Rule 1313 (F.R.22).

- (e) Joining time counts for increment-

- (i) if it is under clause (a) or clause (c) of F.R.105 (Rule 1101) in the time scale applicable to the post on which a railway servant holds a lien or would hold a lien had his lien not been suspended as well as in the time-scale applicable to the post, the pay of which is received by a railway servant during the period; and
- (ii) if it is under clause (b) of F.R.105 in the time-scale applicable to the post/posts on which the last day of leave before commencement of joining time counts for increments.



**Explanation.** -For the purposes of this rule, the period treated as duty under sub-clause (b) of clause (6) of F.R. 9 (Rule 103(15)) shall be deemed to be duty in a post if the railway servant draws pay of that post during such period.

### **Government of India's Orders**

In connection with leave taken by X, --the Deputy Director, Intelligence- when the organisation was on a temporary basis, the question was raised whether the order is contained in paragraph 8 of the Finance Department Resolution No.1559-E.A., dated the 16<sup>th</sup> August,1921, vide Government of India's orders (1) above were applicable to him. The Government of India have consulted the Auditor General who agrees that outside the transitional stage when posts on graded pay were changed to time-scales, these orders do not permit any concessions which are not now admissible under the ordinary Fundamental Rules, while on the other hand they restrict the grant of the concessions which is permissible under Fundamental Rule 26(d). As, however, these orders are permissible under Fundamental Rule 21 (Rule1312) in the case of time-scale sanctioned by the Secretary of State, his sanction is necessary to their cancellation. The Secretary of State in Council has authorized the Government of India to apply in consultation with the Auditor General the principles of the Fundamental Rules in cases in which concessions admissible under the Fundamental Rules cannot be applied to a period of service in administrative post.

### **Audit Instructions**

**(1) Intention of F.R.26(c ) (Rule 1320).**--The intention of this rule is to allow the concession irrespective of whether the higher post is within or outside the Department to which the Government servant belongs.

**(2) Overstayal of leave.**--A period of overstayal of leave does not count for increment in a time-scale unless under F.R. 85(b) it is commuted into extraordinary leave and under the proviso to F.R.26(b) (1320 b), the extraordinary leave is specially allowed to count for increments.

**(3) Increment admissible to a probationer.**--If a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments which, but for his probation, he would have received in the ordinary course.

**(4) Increments of officiating government servants during absence on duty.** --In the case of a Government servant who, while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to the other should be treated as duty in the post, the pay of which the Government servant draws during the period and will count for increment in the same post under F.R. 26(a) (1320 a). In the case of a Government servant while officiating in a post, proceeds on training or to attend a course of instruction and who is treated as on duty while under training the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period.

**(5) Although joining time taken under Rule 1101 (Fundamental Rules105(b) and (c) is treated as duty under Rule 103(15)(a)(i) [Fundamental Rule 9(6)(a)(ii)] it cannot be treated as duty for the purposes of increment in an officiating post in as much as only leave salary is drawn for the period.**

**Railway Board's orders.-Increments for service in temporary post converted into permanent post.**-- Service in a temporary post which is converted into a permanent post on a different rate of pay shall not count for increments in the latter post even though the duties remain the same.

(Railway Board's letter No. 0154-F dated 23<sup>rd</sup> July, 1937.)

### **PRESIDENT'S DECISION NO.1**

As to whether the certificate as contemplated in F.R.26(b)(ii) (1320(b)(ii) can be issued to more than one officer in respect of the same post and for the same period of leave if the condition laid down therein, namely their continuance otherwise in the post in question is fulfilled in each case, the President has been pleased to decide that the certificate envisaged in the aforesaid rule may be furnished by the competent authority, if necessary, in respect of more than one person, subject, of course, to other consideration namely, their continuance otherwise in the post in question.

(Railway Board's letter No. F(E)52-RC-3(1), dated 25<sup>th</sup> October, 1957.)

## **PRESIDENT'S DECISION NO.2**

The benefit of Rule 1320 is admissible also to a Railway servant who while officiating in a higher post or holding a temporary post under the administrative control of the Ministry of Railways is appointed to officiate in higher posts or appointed to hold higher temporary posts or appointed to higher temporary posts under a State Government.

(Railway Board's letter No. F(E)58/PA-1/3 dated 23<sup>rd</sup> December, 1958.)

## **PRESIDENT'S DECISION NO.3**

A question has been raised whether a certificate as envisaged in F.R. 26(b)(ii)/1320(b)(ii) would be necessary in the case of Railway servants engaged on contract who are governed by the leave rules applicable on the Indian Railways. It has been decided that the certificate under the above rule may be dispensed with in case where officers are appointed on contract to specific posts and proceed on leave from those posts.

In the case of officers who are given indefinite contracts without specifying any particular posts and other contract officers who, though appointed initially to specific posts, are transferred in an officiating capacity to other posts and who proceed on leave thereafter, the certificate under the above rule will be necessary to count the period of such leave for increments in the posts which they hold in an officiating capacity immediately prior to proceeding on leave.

(Railway Board's letter No. F (E)58/ICI/1, dated 19<sup>th</sup> December, 1958.)

**1321. (F.R. 27)--Premature Increments.** -Subject to any general or special orders that may be made by the President in this behalf, an authority may grant a premature increment to a railway servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

### ***Government of India's Orders***

**(1) Intention as regards future increments.**-In the case of increments granted in advance, it is usually the intention that the officer should be entitled to increments in the same manner as if he had reached his position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed on exactly the same footing, as regards future increments as an officer, who has so risen.

(G.I., F.D., No. 752-C.S.R., dated 6<sup>th</sup> July, 1919.)

**(2) No obligation to state reasons for action taken under Fundamental Rules.**--The President has decided that the Government are not prepared to state the reasons for their action under any of the Fundamental Rules when the said rules themselves contain no such condition or stipulation.

(G.I., F.D., letter No. F-69-RI/28, dated 22<sup>nd</sup> May, 1928.)

## **PRESIDENTS'S DECISION**

The powers under Rule 1321 (F.R. 27) should not be exercised by the competent authorities to grant premature increments:

- (i) as reward for meritorious work;
- (ii) in disregard of the advices given by the associate finance in any individual case of fixation of pay;
- (iii) in disregard of the normal rules governing fixation of pay except in cases of hardship or where the circumstances are unusual; or

- (iv) to take into account the monetary equivalent of certain perquisites allowed, special pay drawn, or deputation allowance granted in a previous post, for the purpose of fixing the initial pay on appointment to another post where such monetary benefits are not permissible.

(Railway Board's letter No. F(E)II-68F.R.1/1 dated 20<sup>th</sup> March, 1968) (No. 365 dated 1<sup>st</sup> January, 1972.)

**1322. (F.R. 28) Pay on Reduction to Lower Post.**--The authority which orders the reduction of railway servant as a penalty from a higher to a lower post or time-scale, may allow him to draw any pay, not exceeding the maximum of the lower post, or time-scale which it may think proper.

Provided that the pay allowed to be drawn by a Railway servant under this rule shall not exceed the pay which he would have drawn by the operation of Rule 1313(F.R.22) read with Clause (b) or Clause (c) as the case may be, or Rule 1320 (F.R.26).

**1323. (F.R. 29).** --(1) If a Railway servant is reduced as a measure of penalty to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

(2) If a Railway servant is reduced as a measure of penalty to a lower service, grade or post or to a lower time-scale, the authority ordering the reduction may or may not specify the period for which the reduction shall be effective; but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone future increments and if so, to what extent.

**1324. (F.R. 29-A).** --Where an order of penalty of withholding of increment of a railway servant or his reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale, is set aside or modified by a competent authority on appeal or review, the pay of the railway servant shall, notwithstanding anything contained in these Rules, be regulated in the following manner: --

- (a) if the said order is set aside, he shall be given, for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn;
- (b) if the said order is modified, the pay shall be regulated as if the order, as so modified, had been made in the first instance.

**Explanation.**--If the pay drawn by a railway servant in respect of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than traveling allowance) if any, admissible to him during that period shall be revised on the basis of the revised pay.

**1325. (F.R.30). Omitted ( Authority:- Railway Board's letter No. F(E)II/89/FR-1/1 dated 12.12.91)**

**1326. (F.R. 31)—Omitted ( Authority:- Railway Board's letter No. F(E)II/89/FR-1/1 dated 12.12.91)**

**1327. (F.R. 31-A).** --Notwithstanding the provisions contained in these rules, the pay of a railway servant who promotion or appointment to a post is found to be or to have been erroneous shall be regulated in accordance with any general or special orders issued by the competent authority in this behalf.

**1328. (F.R. 33).** --When a railway servant officiates in a post the pay of which has been fixed at a rate personal to another railway servant, a competent authority may permit him to draw pay at any rate not exceeding the rate so fixed or if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale, and future increments not exceeding those of the sanctioned scale.

#### **Audit Instruction**

“The lowest stage of that time-scale”.--If a Government servant, who is personally qualified to draw overseas pay, if appointed to officiate in a post on a time-scale, the pay of which is fixed personally for the substantive holder of the post and includes sterling overseas pay, the lowest stage in the time-scale, for the purposes of F.R. 33 (1328). Is the minimum of the time-scale, plus the sterling overseas pay included in the pay fixed personally for the substantive holder of the post.

**1329. (F.R. 35).** -A Competent authority may fix the pay of an officiating railway servant at an amount less than that admissible under these rules.

#### **Audit Instruction**

(1) Holding charge of current duties--One class of case falling under this rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post.

(2) See entry (3) under Audit Instruction under F.R. 22 (1313).

#### **Government of India's Decision**

**Special order necessary to exercise power under F.R. 35 (1329).**—Charge allowance earlier admissible to officers on adhoc promotion to higher grades has been abolished w.e.f. 1<sup>st</sup> July 2017. The officiating pay in those cases will be regulated by the instructions contained in Railway Board's letter no. PC-VII/2017/1/7/5/8 dated 08.08.2019 (RBE – 127/2019) as modified from time to time.

**1330. (F.R. 36).**—A competent authority may issue general or special orders allowing officiating promotions to be made in the place of railway servants who are treated as on duty under Rule 103 (16) (b).

#### **Government of India's order**

(1) Officers of A.I.R.O.--Acting promotions may be made in the place of Government servants under-going training in the Army in India Reserve of Officers and the Indian Territorial Forces, who under paragraph 38, Appendix XXX, Regulations for the Army in India, Army Instruction (India), No.E-37 of 1927 and royal Air Force Instruction (India), No. 87 of 1927, are treated during the period of training as on duty for the purpose of civil leave and pension and for increments of civil pay.

(G.I., F.D. Memo No. F-60-RI/28 dated 30<sup>th</sup> April, 1928 and C.I., F.D., No-III-1/30 dated 16<sup>th</sup> August, 1930.)

(2) In the case of railway officers undergoing training at the National Academy of Indian Railways, Vadodara, Indian Railway Institute of Civil Engineering, Pune, Indian Railway Institute of Signal Engineering and Telecommunications, Secunderabad, Indian Railway Institute of Mechanical and Electrical Engineering, Jamalpur, Indian Railway Institute of Electrical Engineering, Nashik, Indian Railway Institute of Transport Management, Lucknow, Indian Railway Institute of Finance Management, Secunderabad and Jagjivan Ram RPF Academy, Lucknow the period so spent may be treated as duty and officiating arrangement may be made by the railway administrations vice the officers so deputed. This is, however, subject to restriction laid down in connection with acting promotions.

(Rly. Board's letter No. E (GR) 1167 TR 1-6, dated 11th April, 1967.)

(No. 369, dated 1<sup>st</sup> January, 1972.)

**1331. (F.R.37)--Personal Pay.**--Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

**1332. (F.R. 39)--Pay of Temporary Posts.**--When a temporary post is created which may have to be filled by a person not already in government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

**1333. (F.R.40).**--When a temporary post is created which will probably be filled by a person who is already a government servant, its pay should be fixed by the competent authority with due regard to-

(a) the character and responsibility of the works to be performed; and

(b) the existing pay of railway servants of a status sufficient to warrant their selection for the post.

## Government of India's orders

**(1) Pay on special duty or “deputation”.**--Although it has been incorrect since the Fundamental rules superseded the Civil Service Regulations to refer to officials holding temporary posts created for special purposes outside the regular line of their service as being “on deputation” or “on special duty”, recommendations are still commonly made in the absolute terms of the Civil service Regulations; and these terms are accordingly used for convenience in this order. All such posts are now technically temporary posts added to the cadre of the holder's services; and the rule governing the fixation of pay for the holders is Fundamental Rules 40 (1333). \* \* \* The correct method is to fix a consolidated pay split up, if convenience so dictates, into rupee and sterling elements. Possibly through the influence of Fundamental Rule 22 (1313) and 30 (1325), before they were amended in March, 1930, to eliminate the unintentional extravagance of enhanced pay for a mere change in the character of duties performed, the tendency has gradually grown up of sanctioning enhanced pay for all posts temporarily created outside the ordinary with scant regard to the provisions of fundamental rule 40 (1333). It has accordingly been ordered that the following principles should strictly be observed in fixing pay of such posts-

(i) A Government servant placed on “special duty” or “on deputation” should have the pay of his temporary post fixed at what his pay would have been from time to time in the regular line had he not been so deputed.

NOTE. --If the sanctioning authority is satisfied that Government servant so deputed would otherwise have been advanced very shortly afterwards to a post carrying higher pay than that which he was drawing at the time his “special duty” or “deputation “ begins and would continue to hold such a post for approximately the same period as his temporary post is expected to last, it may take this fact into account and fix a uniform pay throughout the period.

(ii) The sole criterion for sanctioning enhanced pay in such cases is proof of a decided increase of work or responsibility in comparison with the duties of the post which the Government servant would otherwise occupy in the regular line. Where the test of comparative responsibility is not practicable, Fundamental Rule 40 (1333) may be followed.

(iii) Any extra remuneration sanctioned because of such increased work or responsibility should in no case exceed, without the special sanction of the Finance Department, one-fifth or substantive pay.

Government servants deputed to posts substantially parallel in work and responsibility to the posts which they would otherwise have occupied, should receive no increase in pay, though the peculiar circumstances in which their duty is to be performed may justify reasonable compensatory allowances. An excellent example of this type will be found in the personnel deputed to Committees and Commissions. Government servants deputed as members of Committees and Commissions will ordinarily be performing no more responsible duties than they would have performed had they remained in the ordinary line of their service; and it is only in exceptional cases that any extra remuneration can be justified. The foregoing principles may, however, have to be relaxed in exceptional cases, where having regard to the importance of the duties, it is necessary to secure officers with special qualification on special items.

(G.I., F.D., Memo No. F.13-XIX-Ex. 1/31 dt. 7<sup>th</sup> Jan., 1932.)

(2) As the fixation of a consolidated rate of pay of temporary posts has on some occasions led not to economy but to extravagance, the orders contained in Item (1) above are amplified and restated as follows-

Temporary posts may be divided into two categories---

(i) posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction being that the new posts are temporary and not permanent, and

(ii) Isolated posts created for the performance of special tasks unconnected with the ordinary work which a Service is called upon to perform. An example of the latter type of post would be a post on a commission of enquiry. A distinction by strict verbal definition is difficult, but in practice there should be little difficulty in applying the distinction in individual cases. The former class of post should be considered to be a temporary addition to the cadre of a service who every may be the individual appointed to the post. The latter class of temporary post should be considered as unclassified and isolated ex-cadre posts.

(3) Temporary posts which by this criterion should be considered as the temporary additions to the cadre of a Service, should be created in the time-scale of service ordinarily without extra remuneration. Incumbents of these posts will, therefore, draw their ordinary time-scale pay. If the posts involve decided increase in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction a special pay in addition.

(4) For isolated ex-cadre posts, it may occasionally be desirable to fix consolidated rates of pay. Where, however, the post is to be held by members of a service it will ordinarily be preferable also to create the post in the time-scale of the holder's service.

(G.I., F.D., Office Memorandum No. F.27 (34)-Ex.1/36 dt. The 15<sup>th</sup> December, 1936.) (Railway Board's Case No. F (E) 52CDI/(1).)

### **Government of India's Decision**

The instructions laid down in Government of India's order above should be generally followed when special temporary appointments are made; and departure there-from should be personally sanctioned by the General Manager.

(Rly. Board's letters 1111-E.G., dated 14<sup>th</sup> Sept., 1933 and 1196 E.G., dated 22<sup>nd</sup> Dec., 1933.)

### **ADDITIONS TO PAY**

#### **1334. (F.R.46)--Fees and Honoraria –**

(a) **Fees.**--A competent authority may permit a railway servant, if it be satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service or series of services for a private person or body or for a public body including a body administering a local fund and to receive as remuneration therefore, if the service be material, a non-recurring or recurring fee.

NOTE. --This clause does not apply to the acceptance of fees by railway medical officers for professional attendance which is regulated by the Rules in Chapter 6.

(b ) **Honoraria.**--A Competent authority may grant or permit a railway servant to receive an honorarium as remuneration for work performed which is occasional or intermittent in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons, which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the competent authority and its amount has been settled in advance.

(c) **Conditions governing the grant of fees and honoraria.**--In the case of both fees and honoraria, the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Rule 237 (F.R.11), and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

### **Government of India's orders**

(1) **Temporary increase in works.**--Several instances have come to the notice in which recommendations have been made by various Departments for the grant of honoraria to members of their office on account of a temporary increase in their work due to the holding of special Conferences under the auspices of a Department or Subordinate authority or of inter-departmental Committees. In the opinion of the finance Department, such temporary increases in work are normal incidents of Government service, and form part of the legitimate duties of Government servants according to the general principle enunciated in F.R.11 (Rule 237). Those so employed have, therefore, no claim to extra remuneration.

(G.I. F.D., Memo No. F. 5-VIII-RI/30, dated 3<sup>rd</sup> Sept., 1930.)

(2) Intimation to the Union Public Service Commission by Departments of the Government of India, or other Heads of Departments sub-ordinate to them, that particular Government servants have been appointed to the *viva voce* boards in connection with the recruitment examinations conducted by the Union Public Service Commission, should be regarded

automatically conveying the Government of India's sanction to the acceptance by the said officers of honoraria at the fixed rates prescribed by the Union Public Service Commission, and to their drawing the traveling allowance admissible to them.

The employment by the Public Service Commission as examiners or moderators or any officers serving under the Government of India or Heads of Departments subordinate to them will also automatically imply the Government of India's sanction to those officers undertaking the work and accepting honoraria at the fixed rates prescribed by the Commission.

(G.I., F.D., letter No. F.1-XII-Ex.11/25, dt. 16<sup>th</sup> July. '35, to the Secretary, Public Service Commission; G.I., F.D., letter No.D-6434-Ex. 11/36 dated the 3<sup>rd</sup> Dec., 1936, and Rly. Board's Case No. E.44-HO-11/2.)

### **Audit Instruction**

Recording of the reasons for the grant of Honoraria.-The rule requires that the reasons for the grant should be recorded in writing as it is intended that the grant of an honorarium or fee should be carefully controlled by Government and scrutinized by Audit, and that Audit should be given an effective opportunity of comment if it be deemed necessary. Audit Officers may, therefore, require that the reasons for the grant of an honorarium or fee should be communicated to them in each case.

(Ruling (26), Section IV of Compilation of Audit Rulings.)

### **Railway Ministry's decision**

1. (a) A Railway servant appointed as an arbitrator in a dispute in which the railway Administration is a party should be from a Department different from the one to which the dispute pertains. A Railway servant appointed to act as an arbitrator in a dispute in which his own Department is involved should not be granted any honorarium.

NOTE--'Department' for the purpose of application of these orders is a Department of Railway. The intention is that each service (department) on a Railway should be treated as a separate department for the purpose. However appointment of an Engineer from the 'Open Line' of the Civil Engineering Department as an Arbitrator to deal with a case of Construction and vice versa would be treated as an appointment of an Arbitrator from a different Department.

(b) If he is appointed as an Arbitrator in a dispute involving a department other than his own, he may be paid an honorarium at the rate of Rs.80/- per day or Rs.40/- per half day subject to a maximum of Rs. 1200/- per case. For this purpose a day means more than two hours continuous work on a day and half day means work for two hours or less. He shall record a certificate in writing indicating whether he has done a day's work or half day's work on a particular day.

(Authority: - Railway Board's letter No. E (G) 89/HO1-34 dated 8.1992.)

(c) In either of the above two cases, when any costs on account of arbitration are awarded against a private party, the entire amount on recovery by the Railway concerned, shall be credited to Railway revenues and shall not be paid to the arbitrator.

(d) A railway servant may, with the prior permission of the competent authority as required under Rule 1334 (F.R. 46(a)), accept appointment as an arbitrator in a dispute between private parties. At the time of giving such permission, the competent authority shall decide whether consistent with his official duties, he may undertake the arbitration work and also whether he may accept any fee for it from the parties to the dispute. The fee from the private party shall be subject to the provisions of S.R. 12 that one third of any fee shall be credited to railway revenues, provided the amount retained by the railway servant concerned will not, merely by the operation of this rule, be reduced to below Rs. 400/-, if non-recurring, or Rs. 250/- a year, if recurring.

Railway Board's letters No. E(G)60/HO-1/25 dated 16<sup>th</sup> January, 1961 & No.E(G)62/HO/1/26 dated 13<sup>th</sup> Nov.,1963.)

2. (a) In cases where no sanction is required for broadcasts on All India Radio etc. which are purely of a literary, artistic or scientific character, no permission is necessary for Railway servants to receive the honorarium.

(b) In cases where sanction to broadcast is necessary, such sanction, if given, should be taken to carry with it also the sanction to receive the honorarium.

(Railway Board's letter No. E(G)57/HO-1/2 dated 15<sup>th</sup> April, 1957.)

(Authority No. E(G)63-HO/1/10 dated 15<sup>th</sup> June, 1964.)

**1335.** (F.R. 48) --**Premium and Reward**-- Any railway servant is eligible to receive and except as otherwise provided by a general or special order of the President, to retain without special permission:--

- (a) the premium awarded for any essay or plan in public competition;
- (b) any reward offered for the arrest of a criminal or, for information or special service in connection with the administration of justice;
- (c) any reward payable in accordance with the provisions of any Act or Regulation or rules framed thereunder;
- (d) any reward sanctioned for services in connection with the administration of the customs and excise law; and
- (e) any fees payable to a railway servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

#### *PRESIDENT'S DECISION*

Approval of the Railway Board.-- The acceptance of fees by railway servants in cases covered by Fundamental Rule 48 (1335), does not require the approval of the Railway Board.

(Rly. Board's letter No. E.38-FE/126(2) dt. 18<sup>th</sup> November, 1938.)

#### *Government of India's decision*

A fee payable to a railway servant under rule 1335 ( c ) can be retained by him without special permission. In other words, Supplementing Rule 12 which requires that one-third of all fees received by railway servants from private sources should be credited to Government, does not apply to such remuneration. It is not considered desirable that a railway servant, who in his official capacity is nominated as a Chairman or member of a Government, should be made eligible for any fee or other remuneration (except traveling allowance ) which is admissible to non-Government servants for attending a meeting of the institution concerned or for performing other work thereof. This object can be secured by making suitable provisions in the Articles of Association or other Regulations of the body concerned or any Act relating to its institution without having recourse to an amendment of Rule.

(Rly. Board's File No. F(E)-51/FR-1/1.)

**1336.** (F.R. 48-A)- **Patent for Inventions**-- A railway servant shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such railway servant which is connected directly or indirectly with his official duties, save with the permission of the President and in accordance with such conditions as the President may impose.

#### *Government of India's orders*

(1) Patents for Inventions.-- Application for permission shall be made by the railway servants making an invention to the head of his department, or if he is himself the head of a department, to the Railway Board. The head of the department shall deal with the application confidentially and with expedition so that the inventor may not be prejudiced by delay in making his application at the Patent Office and shall forward it with his recommendations to the Railway Board.

- (2) In dealing with the applications for patents the Railway Board shall be guided by the following principles:-



- (i) Permission shall be granted to the applicant without any restriction if the invention has no connection with the railway servant's official duties and has not resulted from facilities provided as government expense.
- (ii) If the invention is made in the course of the railway servant's official duties or has resulted from facilities provided at government expense, then--
  - (a) if the invention is of such general interest and utility that the public interest will be best served by allowing the public a free use of the invention, the application for taking out a patent shall be refused and the invention shall be published. An exgratia payment shall ordinarily be made to the inventor as a reward in all such cases;
  - (b) if the invention is not of the kind mentioned in clause (a), but is of sufficient public utility as is likely to make its commercial exploitation profitable, the inventor shall be directed to take out a patent and to assign his rights under the patent to the President . In all such cases, the inventor shall be rewarded either by a suitable lump-sum payment or by a liberal percentage of the profits made by Government in connection with the invention;
  - (c) in other cases, the inventor shall be allowed to take out a patent for his own benefit subject to his undertaking to permit Government the use of the invention either without payment or on such terms as they may consider reasonable. Before permission is given to a railway servant under this clause to take out a patent, he shall undertake-
    - (i) to insert a condition, in respect of the Railway Board's right in the patent, in any agreement which he may enter with any party for exploiting the said patent, and also to forward a copy of such agreement to the Board for their information; and
    - (ii) to refund to the Railway Board any royalty which he may receive from the exploitation of the patent in respect of the articles purchased for the use of the Crown, whether or not he was in service at the time of such purchase.

Copies of orders relating to grant of permission to take out patents, wherein any condition is imposed regarding any special right reserved for the government, should be forwarded to the Controller of Patents and Designs so that a notice of such conditions may be entered in the Register of Patents for the information of the public.

- (3) When the invention has been assigned to the President under clause (ii) (b) of item (2) above, the President may-
  - (a) exploit the patent himself, or
  - (b) advertise the patent and grant licenses on payment to manufacturers, or
  - (c) sell the rights under the patent to a firm or to a private person.

(4) In order to secure for Government the full benefits of inventions, the Controller of Patents and Designs will ordinarily be consulted before any awards are made under Clauses (a), (b) of item 2 (ii) above or steps are taken for the exploitation of the patents under item 3 above.

(5) When a railway servant makes a suggestion, in regard to railway working or makes an invention, for which he does not propose to apply for permission to take out a patent, and in either case the suggestion or the invention is likely to prove beneficial to the railway, the General Manager of a railway may grant to such a railway servant a bonus or reward not exceeding Rs. 500/-. Proposals for the grant of bonus or reward in excess of this limit shall require the previous sanction of the president.

(Rly. Board's letters Nos. 34/572/S/23, dt. 14<sup>th</sup> March, 1935 and E. 39-PT-1(2) dt. 8<sup>th</sup> July, 1939)

## **COMBINATION OF APPOINTMENTS**

**1337.** (F.R.49). -- A competent authority may appoint a railway servant already holding a post in a substantive or officiating capacity, to officiate, as a temporary measure in one or more of other separate posts at one time. In such cases his pay shall be regulated as follows—

- (a) the highest pay to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post;
- (b) for each other post he draws such reasonable pay, in no case exceeding half the presumptive pay (excluding overseas pay) of the post as the competent authority may fix; and
- (c) if compensatory or sumptuary allowances are attached to one or more of the posts, he draws such compensatory or sumptuary allowances as the competent authority may fix, provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts;

## **PRESIDENT'S ORDER**

The term 'highest pay' in clause (a) of this rule should be interpreted as pay admissible to a railway servant under the rules including rule 1329 (F.R.35).

## **AUDIT INSTRUCTION**

Presumptive pay for the purposes of Fundamental Rule 49(b), should, according, to Fundamental Rule 9(24), be taken to what the Government servant who is placed in additional charge, will draw as initial pay in the time-scale of the additional post under Fundamental Rule 22, were he formally transferred to it. In cases, however, in which the maximum of the lower post is less than the pay of the Government servant in his substantive post, the application of the Fundamental Rule 22 is not clear, and accordingly the President has decided under Fundamental Rule 8 that in such a case the maximum of the pay of the lower post should be taken as the presumptive pay for the purposes of Fundamental Rule 49(b).

(Rly. Board's Case No. F. 42/PA-1(4).)

## **DEPUTATION OUT OF INDIA**

**1338.** (F.R.50)-- **Sanctioning Authority.**-- No deputation of a railway servant out of India shall be sanctioned without the previous approval of the Central Government.

**1339.** (F.R.51)-- **Pay during deputation out of India.**—

(1) when a railway servant is, with proper sanction, temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, he may be allowed by the President to draw during the period of deputation the same pay which he would have drawn had he remained on duty in India;

Provided that a railway servant, who is placed on deputation while already on leave, out of India on average pay, may be required by the President to continue to be on leave, in which case he shall be given during that period, in addition to his leave salary, an honorarium of one-sixth of the pay which he would have drawn had he remained on duty in India; the cost of passages from and to India shall be borne by him.

NOTE:- (1) The portion of the pay which a railway servant may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with the orders issued by the President in this regard from time to time.

(2) A railway servant on deputation may also be granted a compensatory allowance in a foreign country of such amount as the President may think fit.

(3) The foreign exchange equivalent of the pay, honorarium or compensatory allowance admissible under sub-rule (1) or sub-rule (2) shall be calculated at such rate of exchange as the President may by order prescribe.

## **Government of India's orders**

(1) Honorarium for duty during leave. - Officers on leave, who are unwilling to undertake special duty on deputation rates of pay may be allowed to continue to consume leave and receive an honorarium fixed at one-sixth of Indian pay.

(G.I., F.D., No.994-C.S.R., dated 9<sup>th</sup> May. 1924)

(2) Option to convert deputation into leave. - Officers on deputation out of India when placed on deputation while on leave out of India on average pay may, convert deputation into leave on average pay plus an honorarium of one-sixth of Indian pay, on the condition that in both cases the cost of passages both from and to India is borne by the officer.

Periods of deputation converted into leave should count for pension as leave and not as deputation.

(Indian Office No. F.4012-25 dated 14<sup>th</sup> September, 1925, received with G.I. F.D. No. F.120-C.S.R.-25 dated 4<sup>th</sup> and 19<sup>th</sup> November, 1925.)

(3) Interpretation. - The terms of F.R. 50 (1338) must be interpreted as applying to cases where officers exercise the option of consuming leave and drawing an honorarium of one-sixth pay during a period of duty out of India, i.e., this option can only be exercised by a Government servant whose deputation out of India has been approved by the proper authority.

(G.I., F.D., No. F/101-CSR-26 dt. 30<sup>th</sup> July, 1926.)

(4) Attending conferences. --In the case of officers who, while on leave in the United Kingdom, attend conferences or congresses there or on the continent the following uniform system should be adopted-

- (i) Officers who are nominated as official representatives of the Government of India will be placed on deputation for the period involved and will receive the usual traveling expenses and subsistence allowance.
- (ii) Officers who are not so nominated will not be placed on deputation but if it is thought desirable that they should attend as visitors they may be offered traveling expenses and subsistence allowance as an inducement for them to do so. Further though the officer may not be an official representative, the India office will be prepared to render him such service as recommending him as a visitor, to the Congress Authorities.

(India Office S. of S.'s Despatch No. 5 Overseas, dated 20<sup>th</sup> December, 1928 received with G.I., F.D., Endorsement No.F-4-II-RI/29 dated 9<sup>th</sup> February, 1929.)

(5) Officers on short term contracts. - In connection with the deputation pay of officers on short term contracts when called upon to undertake duty outside India, it has been decided to include in the model terms of agreement in use by the office of the high Commissioner for India for short term appointments under the Government of India, a clause providing specifically that deputation out of India shall be governed by the ordinary service rules.

(G.I., F.D., letter No. F. 4(28)-RI/31 dt. 14-7-1932.)

## **Government of India's Decisions**

(1) "Pay" in F.R. 51 (1339).-- The term "Pay" in the expression, "the pay which he would have drawn if he had remained on duty in India" occurring in this rule, should be interpreted literally with reference to the definition in F.R. 9(21) (Rule 1303) and the pay which an officer would have drawn if he were on duty in India should be determined for the purpose of this rule, with reference to what the competent authorities in India state the Officer's pay would have been if he were on duty in India. It will, therefore, be necessary for the Account Officer to intimate to the High Commissioner in each case after consultation with Government, the pay which an officer would have drawn if on duty in India.

In the case of Government servants who are not deputed out of India for special items of work but are placed on continuous service with commissions and committees whose functions require work both in and out of India, the expression "the pay which he would have drawn if he had remained on duty in India" occurring in this rule as well as the expression "the

pay which the Government servant would have drawn if on duty in India” occurring in proviso (a) F.R. 9(2) (Rule 1303) should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the commission or committee there.

(G.I., F.D., No. F/47-RI/28 dt. 29<sup>th</sup> May, 1928 and No. F. 4-II/RI/30 dated 27<sup>th</sup> July, 1931.)

(2) Overseas pay to be taken into account.-- As overseas pay is included in ‘pay’ and as an officer would draw overseas pay under Fundamental Rule 5 (1) (1339), (if entitled to it) had he remained on duty in India, it should be taken into account for the purposes of calculation of the deputation pay under the revised Fundamental Rule 51.

(Government of India, Finance Department, No. F.90(10)- RI/33 dated 10<sup>th</sup> October, 1933.)

### **Audit Instruction**

Period of Deputation. -- The period of the deputation runs from the date on which the Government servant makes over charge of his office in India to the date on which he resumes it or if the Government servant is on leave out of India at the time he is placed on deputation, the period of the deputation is the time actually occupied by the duty.

**1340.** (F.R.51-A). -- When a railway servant is with proper sanction deputed for duty out of India to hold a regularly constituted permanent or quasi-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Central Government.

### **DISMISSAL, REMOVAL AND SUSPENSION**

**1341.** (F.R.. 52) **Date from which affected** -- The pay and allowances of a railway servant who is removed or dismissed from service cease from the date of the order of removal or dismissal.

#### **1342. (F.R.53) Pay during suspension.—**

(1) A railway Servant under suspension or deemed to have been placed under suspension by an order of the competent authority shall be entitled to the following payments, namely-

- (a) A subsistence allowance at an amount equal to the leave salary which the Railway servant would have drawn if he had been on leave on half average pay or on half pay and in addition dearness allowance, if admissible, on the basis of such leave salary.

Provided that where the period of suspension exceeds 3 months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first 3 months as follows:

- (i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the railway servant;
  - (ii) the amount of subsistence allowance may be reduced by a suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the railway servant;
  - (iii) the rate of dearness allowance will be based on the increased or, as the case may be, decreased amount of subsistence allowance admissible under sub-clauses(i) and (ii) above
- (b) Any other compensatory allowances admissible from time to time on the basis of pay of which the railway servant was in receipt on the date of suspension subject to the fulfilment of other conditions laid down for the drawl of such allowances.

(2) No payment under sub-rule (1) shall be made unless the railway servant furnishes a certificate that he is not engaged in any other employment business, profession or vocation.

Provided that in the case of a Railway servant dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement, under sub-rule (3) or sub-rule (4) of rule 5 of Railway Servants (Discipline and Appeal) Rules 1968, and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him where the subsistence and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

**1343** (F.R.54).--(1) When a railway servant who has been dismissed, removed or compulsorily retired is re-instated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation while under suspension preceding the dismissal, removal or compulsory retirement, the authority competent to order reinstatement shall consider and make a specific order-

(a) regarding the pay and allowances to be paid to the railway servant for the period of his absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and

(b) Whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order re-instatement is of opinion that the railway servant who had been dismissed, removed or compulsorily retired has been fully exonerated the railway servant shall, subject to the provisions of sub-rule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the railway servant had been delayed due to reasons directly attributable to the railway servant, it may, after giving him an opportunity to make his representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the railway servant shall, subject to the provisions of sub-rule (7), be paid for the period of such delay only such amount of such pay and allowances as it may determine.

(3) In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-rule (2) (including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirements of clause (2) of Article 311 of the Constitution and no further inquiry is proposed to be held) the railway servant shall, subject to the provisions of sub-rules (6) and (7), be paid such amount to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the railway servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period which in no case shall exceed 60 days from the date on which the notice has been served as may be specified in the notice.

(5) In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding the dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specific purpose; provided that if the railway servant so desires, such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the railway servant.

NOTE:-- The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of—

(a) extraordinary leave in excess of three months in the case of temporary railway servant; and

(b) leave of any kind in excess of five years in the case of permanent railway servant.

(6) The payment of allowances under Sub-rule(2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The amount determined under the proviso of sub-rule (2) or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under Rule 1342 (F.R. 53).

(8) Any payment made under this rule to a railway servant on his re-instatement shall be subject to adjustment of the amount, if any earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of re-instatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the railway servant.

### **Government of India's decisions**

(1) **No condition of lien to be satisfied for applying F.R. 54 (1343).** – A Government servant was dismissed from service on 8<sup>th</sup> March, 1927 and on appeal, was reinstated with effect from 27<sup>th</sup> October, 1927. The appellate authority declared, under F.R. 54 (1343) that the period of unemployment between the dates of dismissal and reinstatement should be treated as spent on duty and allowed to count for leave and increments. As there was no post against which the lien of the Government servant could be shown for the period of dismissal, the question arose whether in the absence of lien on a permanent post the period of unemployment could count for leave or increments. It was decided that F.R. 54 (1343), is absolute and unconditional and that it could not be absolute if the condition of “lien” had first to be satisfied.

(G.I., F.D., No. F/28-RI/28, dt. 5<sup>th</sup> April, 1928)

(2) A question having arisen whether in cases where the period of suspension is ordered to be treated as one spent on leave and when on conversion it is found that the greater part of the period is to be treated as extraordinary leave for which no leave salary is admissible, the recovery of the subsistence allowance already paid would be in order, it has been decided that there is no bar to the conversion of any portion of a period of suspension into extraordinary leave. In the case of person who are not fully exonerated the conversion of the period of suspension into leave with or without allowances has the effect of removing the stigma of suspension and all the adverse consequences following therefrom. The moment the period of suspension is converted into leave, it has the effect of vacating the order of suspension and it will be deemed not to have been passed at all. Therefore, if it is found that the total amount of suspension exceeds the amount of leave salary and allowances, the excess will have to be refunded and there is no escape from this conclusion.

(3) When the period of suspension after re-instatement is not treated as duty by the competent authority nor as leave at the request of the employee, it will not be deemed to cause an interruption/break in service. It shall be counted as “service” for the purpose of special contribution to Provident Fund, leave on average/half average pay under the State Railway Leave Rules contained in Chapter V.

(Authority Rly. Board's letter No. F(E)52SPN(1) dated 29<sup>th</sup> February, 1960)

**1344**(F.R. 54 A).--(1) where the dismissal, removal or compulsory retirement of a railway servant is set aside by a Court of law and such Government servant is reinstated without holding any further inquiry, the period of absence from duty shall be regularized and the Government servant shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or (3) subject to the directions, if any, of the court.

(2) (i) Where the dismissal, removal or compulsory retirement of a railway servant is set aside by the court solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of Article 311 of the Constitution, and where he is not exonerated on merits, the Government servant shall, subject to the provisions of sub-rule (7) of Rule 1343 (FR 54), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired, or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the railway servant of the quantum proposed and after considering the representation, if any, submitted by him, in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

(Authority:- Railway Board's letter No. F(E)III/91/PN-1/44 dated 13.04.92)

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgment of the court shall be regularized in accordance with the provisions contained in sub-rule (5) of rule 1343.

(3) If the dismissal, removal or compulsory retirement of a railway servant is set aside by court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsory retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a railway servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere nothing shall be paid to the Government servant.

**1345.** (1) When a railway servant who has been suspended is re-instated (or would have been so reinstated but for his retirement (including premature retirement) while under suspension,) the authority competent to order reinstatement shall consider and make a specific order—

(a) regarding the pay and allowances to be paid to the railway servant for the period of suspension ending with reinstatement or [the date of his retirement (including premature retirement)], as the case may be; and

(b) Whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in Rule 1343 where a railway servant under suspension dies before the disciplinary or the court proceeding instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the railway servant shall, subject to the provisions of sub-rule (8) be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the railway servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the railway servant shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-rules (2) and (3) the railway servant shall, subject to the provisions of sub-rules (8) and (9) be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the railway servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or the court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the railway servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

(7) In a case falling under sub-rule (5), the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the railway servant so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government servant.

NOTE: - The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of –

(a) extraordinary leave in excess of three months in the case of temporary railway servant; and

(b) leave of any kind in excess of five years in the case of permanent or quasi-permanent railway servant.

(8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under Rule 1342.

#### **Government of India's Orders**

(1) **F.R. 54 absolute.**--A Government servant was dismissed from service on the 8<sup>th</sup> March, 1927, and, on appeal, was reinstated with effect from the 27<sup>th</sup> October, 1927. The appellate authority declared, under F.R. 54, that the period of unemployment between the dates of dismissal and reinstatement should be treated as spent on duty and allowed to count for leave and increments. As there was no post against which the lien of the Government servant could be shown for the period of dismissal, the question arose whether in the absence of lie on a permanent post the period of unemployment could count for leave or increments. It was decided that F.R. 54 is absolute and unconditional and that it could not be absolute if the condition of "lien" had first to be satisfied.

(G.I., F.D. No. F/28-R.I/28 dated the 5<sup>th</sup> April, 1928.)

(2) **When suspension regularized as leave consequential recovery inescapable.**--A question having arisen whether in case where the period of suspension is ordered to be treated as one spent on leave and when on conversion it is found that the greater part of the period is to be treated as extraordinary leave for which no leave salary is admissible, the recovery of the subsistence allowance already paid would be in order. The moment the period of suspension is converted into leave it has the effect of vacating the order of suspension and it will be deemed not to have been passed at all. Therefore, if it is found that the total amount of subsistence and compensatory allowances that an officer received during the period of suspension exceeds the amount of leave salary and allowances, the excess will have to be refunded and there is no escape from this conclusion.

(G.I., M.F., U.O., No. 3409-E.IV/53, dated the 25<sup>th</sup> April, 1953, U.O. No. 320-E.IV/54 dated the 22<sup>nd</sup> February, 1954 to the Communications Division and M.F., (C's) U.O. No. 1681-C.II/54 dated the 2<sup>nd</sup> March, 1954.)

(3) **Treatment of period of absence and payment thereof.**--The Government of India have conveyed the following clarifications in regard to certain points which have been raised in connection with the application of F.R. 54, 54-A and 54-B.

- (1) The decision of the competent authority under F.R. 54, 54-A and 54-B is in respect of two separate and independent matters, viz., (a) pay and allowances for the period of absence, and (b) whether or not the period of absence should be treated as duty. It is not necessary that the decision on (a) above should depend upon the decision on (b) above. The competent authority has the discretion to pay the proportionate pay and allowances and treat the period as duty for any specified purpose(s) or only to pay the proportionate pay and allowances. It



has no discretion to pay full pay and allowances when the period is treated as “non-duty”. If no order is passed directing that the period of absence be treated as duty for any specified purpose the period of absence should be treated as ‘non-duty’. In such event, the past service (i.e.) service rendered before dismissal, removal, compulsory retirement or suspension will not be forfeited.

- (2) As Fundamental Rule 54 is absolute the law of limitation need not be invoked at the time of paying the arrears of pay and allowances for the period from the date of dismissal/removal/compulsory retirement/suspension to the date of reinstatement in respect of all cases where the pay and allowances are regulated on reinstatement in accordance with the provisions contained in F.R. 54, F.R. 54-A and F.R. 54-B with the exception of those covered under sub-rule (4) of F.R.54 and sub-rule (2) (i) of F.R. 54-A.

(G.I., O.M. No. 15(14)E.IV (59), dated the 25<sup>th</sup> May, 1962 and the 9<sup>th</sup> August, 1962 read with provisions of F.R. 54, 54-A and 54-B.)

**(4) Regulation of pay on reinstatement on grounds of equity or court judgment, etc.**—1. The following questions in connection with the reinstatement of dismissed/removed/discharged Government servants or the Government servants whose service had been terminated, came up for consideration:

- (1) Whether before the Government of India decide to reinstate an individual on grounds of equity, concurrence of the Ministry of finance should be obtained for payment of pay and allowances for the intervening period; or whether the administrative authorities, could themselves, after following the prescribed procedure, e.g. consultation with the Union Public Service Commission etc., reinstate the person and sanction payment of pay and allowances under F.R.54.
- (2) Whether in cases of reinstatement on the ground of dismissal /removal/ discharge from or termination of service being held by a court of law or by an appellate/reviewing authority to have been made without following the procedure required under Article 311 of the Constitution, payment of full pay and allowances for the intervening period is automatic and compulsory.

2.As regards question (1) above, it has been decided that the concurrence of the Ministry of Finance will not be necessary for reinstating a Government servant if the authority, which reinstates the Government servant, is competent to appoint him. The question as to what pay and allowances should be allowed for the intervening period and whether or not the period should be treated as duty, will be dealt with under F.R. 54.

3. Regarding question (2) stated in para 1 above, it has been decided that F.R. 54 is inapplicable in cases where dismissal/removal/discharge from or termination of service is held by a court or law or by an appellate/reviewing authority to have been without following the procedure required under Article 311 of the Constitution. In such cases--

- (i) if it is decided to hold a further inquiry and thus deem the Government servant to have been placed under suspension from the date of dismissal/removal/discharge/termination under Rule 12 (3) or 12 (4) of Central Civil Services (Classification, Control and Appeal) Rules, 1957 or a corresponding rule, the Government servant will be paid the subsistence allowance from the date he is deemed to have placed under suspension;
- (ii) if the Government servant is not “deemed” to have been under suspension as envisaged under (i) above, the payment of full pay and allowances for the intervening period and treatment of that period as duty for all purposes will be automatic and compulsory, provided that-
  - (a) the arrears should be paid subject to law of limitation;
  - (b) Where the reinstated Government servant has secured employment during any between the dismissal/removal/discharge/termination and reinstatement, the pay and allowances admissible to him after reinstatement for the intervening period shall be reduced by the emoluments earned by him during such employment if such pay and allowances exceed such emoluments. If the pay and allowances admissible to him are equal to or less than the emoluments earned by him nothing shall be paid to him: provided that the amount to be paid under (i) and (ii) above will be determined subject to the directions, if any, in the decree of the court regarding arrears of salary.

4. As the termination of service of a Government servant without following the procedure laid down in the Central Civil Service (Classification, Control and Appeal) Rules, the Central Civil Services (Temporary service) Rules, the C.S.R. or the terms of his appointment, etc., results in the payment of arrears by way of pay and allowances, the need for meticulously observing the “proper procedure” in such cases is once again impressed on all concerned.

5. In all cases where the circumstances leading to a Government servant’s reinstatement reveal that the authority which terminated his services, either willfully, did not observe, or through gross negligence failed to observe the ‘proper procedure’ as explained above, before terminating his service, proceedings should be instituted against such authority under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, and the question of recovering from such authority the whole or part of the pecuniary loss arising from the reinstatement of the Government servant should be considered.

(G.I., M.H.A., O.M. No. F.2/9/59-Ests. (A) dated the 27<sup>th</sup> May, 1961 and the 30<sup>th</sup> May, 1962.)

5. Suspension treated as “dies-non” not reckoned as service:-- It has been decided in consultation with the Comptroller and Auditor-General that the period of suspension of a Government servant, which is treated as “dies-non, should not be reckoned as ‘service’ for the purpose of any of these rules.

(G.I., M.F., Endorsement No. F.7 (41)-Est. IV/53 dated the 18<sup>th</sup> July, 1953 and U.N. No. 1824/E.IV/54, dated the 23<sup>rd</sup> February, 1954 to the A.G., P&T.)

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## CHAPTER 14

### DEARNESS AND OTHER COMPENSATORY ALLOWANCES

1401.	Dearness allowance
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1421.	Out turn Allowance (abolished)
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1423.	Compensatory (Construction or Survey) Allowance
1423-A.	Project Allowance
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1426.	Allowance to Doctors
1427.	Daily Officiating Allowance
1428.	Other Allowances

#### (SECTION –I )

**1401. Dearness allowance** - Group 'A', 'B' & 'C' railway servants shall be granted dearness allowance on the scales and under the conditions laid down by the Central Government from time to time.

**1402. Application** – The Dearness Allowance shall be admissible to all whole-time railway servants including temporary staff, staff paid from contingencies, piece-workers, workshop staff and apprentices drawing stipends, but excludes an employee whose remuneration is fixed specially with reference to market conditions and not at a rate already sanctioned for his class and the apprentices recruited under the Apprentice Act, 1961 and Apprentice Rules, 1962 who are not eligible for dearness allowance under these rules.

**1403. Definitions.**--Unless there is anything repugnant in the subject or context, the terms defined below are used in the sense herein explained.

(i) Pay – It includes

(a) Pay as defined in Rule 103 (35) of IREC

(b) Pension and/or Pensionary equivalent of other forms of retirement benefits subject to the provision in Note 2 below, if any, drawn by re-employed pensioners.

NOTE 1.--30% of the basic pay of running staff will be treated as pay representing the pay element in the Running Allowance. From 1-8-1981, Dearness Allowance, and Additional Dearness Allowance at the appropriate rates as sanctioned by the government from time to time shall be paid on the basic pay plus the pay element of the Running Allowance viz. 30% of the basic pay. (Ministry of Railways letter No. E(P & A)II-80/RS-10 dated 17-7-1981.)

NOTE 2.--In the case of retired Railway servants, non-Govt. servants, employees of Quasi-Government bodies, the dearness allowance during the period of their re-employment on Railways, shall be granted on the pay fixed on re-employment, plus the gross amount of pension and/or pensionary equivalent of other forms of retirement benefits, provided that in either case the total does not exceed the maximum of the scale of the post in which the person is re-employed.

In the case of retired Military Pensioners, whose pay on re-employment in a railway post is fixed without taking into account the military pension, Dearness Allowance shall be granted on the basis of the pay of the post only.

In cases where a part of the Pension is taken into account for the purpose of the fixation of pay on re-employment, that part of the pension subject to the limits laid down above will be treated as pay.

For this purpose, the amount of pension will be the amount originally sanctioned (i.e. before commutation, if any) less the amount of pension, if any, held in abeyance as a condition of re-employment.

NOTE 3.--The compensatory (construction or survey) allowance granted to staff employed on loco building works surveys and construction works, vide rule 1423 shall not be included in 'Pay' for the purpose of calculating dearness allowance.

NOTE 4.--(i) The emoluments received from foreign Government in the shape of pay, leave salary or pension will not be taken into account for determining the eligibility to dearness allowance.

(ii) Dearness Allowance is in the nature of compensation for established increase in the cost of living and shall be comprised of Dearness Allowance, Additional Dearness Allowance and Dearness Pay and such other elements as the government may from time to time decide. It shall be classified as a Compensatory Allowance.

**1404. Dearness Allowance to contract officers.**--Dearness Allowance may be granted to officers engaged on contract for specified periods who may be otherwise eligible for it irrespective of whether there is a provision in the contract for the grant to them of any concession or allowance of a general nature which may be sanctioned for officers of corresponding status in the regular service and subject to the condition that they have not already been allowed in the fixation of their pay an element of compensation to meet the increase in the cost of living.

**1405. Dearness Allowance to officers on ad-hoc rates of pay.**--The dearness allowance will also be admissible to those officers on ad-hoc rates of pay provided their pay was fixed without taking into account any allowance drawn by them prior to their appointment on the ad-hoc rates of pay, as compensation, for the high cost of living.

**1406. Dearness Allowance to military officers.**--Military officers in civil employ drawing civilian rates of pay will be eligible for the Dearness Allowance as admissible to Railway servants in corresponding grades, while Military officers drawing Military rates of pay and allowance will be governed by the rules or orders on the subject applicable to the personnel of the Armed Forces.

**1407. Dearness Allowance on varying rates of pay.**--The admissibility and the amount of allowance to be drawn by railway servants drawing varying rates of pay during the course of a month will be determined by the emoluments drawn during each particular broken period of a month.

**1408. Dearness Allowance on joining and leaving service.**--In the case of a railway servant joining or leaving service in the course of a month, the allowance will be determined with reference to the monthly rate of pay and will be proportionate to the actual days of employment in the month.

**1409. Dearness Allowance during Foreign service.**--A railway servant in foreign service may draw dearness allowance from the foreign employer on the basis of foreign service pay, if the foreign employer is willing to bear the cost and provided that the rates as well as the monetary limits (including marginal adjustments) for the eligibility for the allowance are not higher than those sanctioned for railway servants.

**1410. Drawal of Dearness allowance during deputation out of India.**--A Railway employee deputed for training abroad under the various officially sponsored training schemes may be allowed dearness allowance at the rate at which he would have drawn dearness allowance had he not proceeded on deputation abroad for training excluding any regular leave taken abroad.

The allowance will not be admissible to railway servants posted ex-India to specified posts. Also Dearness Allowance or Dearness Pay is not admissible in conjunction with foreign allowance.

**1411. Drawal of Dearness allowance during suspension.**--In addition to subsistence allowance, a railway servant under suspension shall be entitled to dearness allowance appropriate to the actual subsistence allowance admissible from time to time.

**1412. (1) Drawal of Dearness allowance during leave and joining time**

**I. Admissibility of the Dearness allowance during leave**

- (a) The allowance may be drawn during any period of leave other than (i) extra-ordinary leave, in or outside India and (ii) any portion of leave preparatory to retirement spent outside India, except that in cases of leave preparatory to retirement in India it will be admissible only during the first 300 days and in the case of terminal leave it will be admissible only during the first 120 days of the leave spent in India.

NOTE (1).--During leave preparatory to retirement in India in excess of first 300 days or leave preparatory to retirement outside India, the dearness allowance an amount equal to the Dearness Pay if admissible, appropriate to the leave salary, if the leave is on full pay and half of such amount if otherwise, may be paid.

NOTE (2).--In the case of a deceased Government servant, his family is entitled to the payment of cash equivalent of the leave salary that the deceased employees would have got, had he gone on earned leave but for the death, due and admissible on the date immediately following the date of death subject to a maximum 300 days of earned leave in terms of Rule 549 of Railway Servants (Liberalised Leave) Rules, 1949. Such cash equivalent would also carry the appropriate amount of dearness allowance.

- (b) The allowance during leave will be based on the leave salary actually drawn, both for the purpose of monetary limits within which the allowance is admissible and for calculation of the amount of the allowance.

NOTE (i) During terminal leave, the Dearness Allowance will be calculated on the gross leave salary before deduction of pension and pension equivalent of retirement benefits but the amount of Dearness Allowance payable to the employee on terminal leave should be reduced by the amounts of "reliefs to pensioners" that are admissible over and above the pension.

- (ii) During study leave, the Dearness Allowance would be admissible in terms of Rule 1413.

(O.M.F.O.M. No. 13011/1/E.II (B)/76 dt. 18-2-78, F(E)III/2008/LE-1/2 dated 13.04.2010; ACS-111; E(P&A)-I/2014/CPC/LE-2 dated 21.10.2014; ACS-123)

## **II. Admissibility of the Dearness allowance during joining time**

During joining time as defined under Rule 1101 (F.R.105), the allowance will be based on the joining time pay admissible under Rule 1113 (F.R. 107) except that in a case where an employee joins a new post in a new station on return from leave of not more than six months duration from leave of any duration when he had not sufficient notice of the appointment to the new post, allowance will be drawn at the same rate at which it was drawn before the commencement of the joining time.

**III.** When running staff are on leave, they shall be entitled to be paid their leave salary based on their basic pay plus 30% thereof representing the pay element of running allowance and Dearness Allowance/Additional Dearness Allowance due on such pay plus 30% thereof.

(Ministry of Railways letter No. E (P & A)II-80/RS-10 dated 17-7-1981.)

**1413. Dearness Allowance during study leave.**--Dearness allowance is admissible to railway servants based on leave salary sanctioned during study leave whether in India or abroad.

**1414.** Deleted

**1415.** Deleted

**1416.** Deleted

**1417. Dearness Pay.**--Such portion of the Dearness Allowance as is decided by the Government to be treated as Dearness Pay shall be termed as Dearness Pay. The Dearness Pay so designated, shall be reckoned as pay for such purposes as are specified by the Government from time to time and for no other purposes.

Provided, however, that this rule is not applicable to persons who are—

- (a) employed on contract;
- (b) granted consolidated rates of pay and are not in receipt of dearness allowance separately;
- (c) drawing pay and allowances under the authorized scales of pay; and
- (d) drawing dearness allowance otherwise than as provided in these rules.

## **SECTION II- OTHER COMPENSATORY ALLOWANCES**

1418. (Abolished in 7 CPC as per recommendations of Committee on Allowances – Ministry of Finance (DoE) Resolution dated 6.7.2017)

**1419. Allowance to Nursing Staff.**--The following allowances shall be granted to the Nursing Personnel of all categories at all levels, working in Railway Hospitals and registered under the Indian Nursing Council Act, subject to the following conditions and as per the details given below:

Sl. No.	Allowance	Rate
1.	Nursing Allowance	Rs. 7200/- p.m.
2.	Dress Allowance	Rs. 1800/- per month.

NOTE.— (1) The amount of Dress Allowance shall be credited to the salary of entitled employees directly once a year in the month of July.

(2) (i) The above rates will be effective from 01.07.2017. The rates of Nursing Allowance will go up by 25% each time the Dearness Allowance payable on revised pay scale rises by 50%.

(ii) Nursing Allowance will not be treated as “Pay”.

(3) Since Nursing Allowance is a total compensation for the conditions of working including night work, the Nursing Staff would cease to be eligible for Night Duty Allowance.

(Authority: Railway Board’s letter No.E(P&A)II/87/AL/1, dated 19.8.87, 4.5.89, 13.5.92, No.E(P&A)I-96/FE-4/4, dated 4.12.96, No., E(P&A)I-98/AL/1, dt.17.8 9 .98, No. E(P&A)I-98/AL/6, dated 12.11.1998, E(P&A)I-2017/SP-1/Genl-3 dated 13.11.2017 : RBE 166/2017 and PC-VII/2017/I/7/5/7 dated 03.10.2017: RBE 141/2017)

**1420. Railway employees deputed for Breakdown duties will be entitled to the following:-**

(1) Non-gazetted Railway servants employed in Running sheds and Carriage and Wagon depots who are earmarked for attending to breakdown duties and Relief Train Electrical staff, including Supervisory staff, holding posts up to Level 6 (Rs. 4200 GP) and above in the Pay Matrix (except the Supervisors in charge of Carriage & Wagon Depots, Loco Running shed or the Electrical Relief Train), shall be allowed Breakdown Allowance at the following rates w.e.f. from 01.07.2017 :- (E(P&A)II-2017/BDA-1 dated 30.08.2017;RBE 106/2017)

S. N.	Category	Level in Pay Matrix	Amount of Breakdown Allowance /Month
1.	Helper Gr.II / Helper Gr. I/ Other staff Gr. ‘D’ Staff	Level 1 (1800)	Rs. 270 p.m.
2.	Technician Gr.III	Level 2 (1900)	Rs. 405 p.m.
3.	Technician Gr.II Technician Gr.I Supervisors (erstwhile Mistries)	Level 4 (2400) Level 5(2800) Level 5 (2800)	Rs. 540 p.m.
4.	Sr.Technicians / Junior Engineers and Staff in higher scales	Level 6 (4200) and above	Rs. 675 p.m.

(Authority:- Board’s letter No. E(P&A)II-2017/BDA-1 dated 30.08.2017, ACS No. 61; RBE 106/2017 & Letter No. E(P&A)II-2017/BDA-I dated 14.09.2018; RBE No.138/2018)

(a) This allowance will be treated as a compensatory allowance for all purposes.

(b) (i) The payment of this allowance would be subject to a review by the Controlling officer to ensure proper performance of breakdown duty. The allowance will not be admissible to the Railway servants who have failed to turn out for the breakdown duties within the stipulated time.

(ii) Priority in allotment of quarters, particularly for quarters near the Running sheds or Carriage & Wagon depots, as the case may be.

(iii) Supply of free food, departmentally or otherwise, during the period they are engaged in breakdown duties;

**NOTE:-** Where it is not possible to make arrangements for supply of free food, in exceptional circumstances, cash in lieu thereof may be paid to the non-gazetted staff including Track-maintainer and Trolley men engaged in Breakdown duties, at the rates fixed by the General Manager in consultation with PFA .

(iv) Payment for overtime work in accordance with the normal rules, time taken in travelling to the site of the accident and back shall also be reckoned for payment of overtime;

(v) Payment of full daily allowance without the stipulation that they should be out of headquarters beyond 8 kilometres for a period exceeding 12 consecutive hours.

Daily allowance at full rates as above will be admissible for each breakdown occurring at different places on the same day.

(2) All other non-gazetted staff of all departments who are called out in connection with accidents/breakdowns, including the Supervisory staff who are not eligible for Breakdown Allowance, shall be allowed the concessions enumerated in clauses (iii), (iv) & (v) of sub-rule (1) (b) above.

(3) Gazetted staff who are called out in connection with accidents/breakdowns shall be allowed the concessions enumerated in clauses (iii) & (v) of sub-rule (1) (b) above. Cash compensation in lieu of free food shall, however, not be admissible to them.

(Authority: Railway Board's letter No. E(P & A)II-98/BDA-1 dated 25-5-1999.)

(4) For the purpose of sub-rule (1), (2) and (3) above, a breakdown may be:-

(i) Any accident which involves the calling out of a breakdown train or engine with special staff or equipment (including MFD equipment or traffic crane) from the nearest breakdown train depot or shed, or a breach or wash away on the line which interrupts normal traffic; or

(ii) Any of the following which interrupts normal traffic on running lines: -

(a) Snapping of overhead electric traction lines which involves calling out of Tower Wagon or Breakdown Lorry;

(b) Damage/Bursting of points requiring the attendance of a Breakdown/Repair/Maintenance Gang;

(c) Breakdown of interlocked lifting barriers;

(d) Total interruption of telecommunication/communications or of power supply.

(Authority : Ministry of Railway's letter No. E(P&A)II/91/BDA/1/DC/JCM dated 13-8-91.)

**1421. Out turn Allowance:-** Abolished w.e.f. 01.07.2017.

(Authority:- Board's letter No. E(P&A)I-2017/VII CPC/AL-1 dated 28.11.2017)

**1422. Washing Allowance –** Deleted (Subsumed in Dress Allowance w.e.f. 01.07.2017)

(Authority:- Railway Board's letter No. PC-VII/2017/1/7/5/7 dated 3.10.2017) RBE No. 141/2017)

**1423. Compensatory (Construction or Survey) Allowance to open line staff employed on construction and survey projects.--**Railway servants employed on construction or survey projects may, subject to the following conditions, be granted compensatory (Construction or survey) allowance at the rates shown below:-

Level in Pay Matrix	Cell Name	Rate per month (Rs)
Level 9 and above	R3H2	3400
Level 8 and below	R3H2	2700

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The above rates are w.e.f. 01.07.2017. The rates shall increase by 25% whenever the Dearness Allowance payable on the revised pay structure goes up by 50%.

NOTE. (i) The term 'Pay Level' in the revised pay structure means the 'Level' in the Pay Matrix as per VIIth CPC.

(ii) In respect of those employees who opt to continue in their pre-revised pay structure, corresponding Level in the Pay Matrix as indicated in Railway Services (Revised Pay) Rules, 2016 would determine the allowance.

(Authority:- Board's letter No. E(G)2017/AL 12-2 dated 12.12.2017)

(iii) The allowance shall ordinarily be sanctioned only for 'new lines' or restorations' or 'surveys'.

(iv) The allowance will not be admissible for 'doublings' except under very special circumstances to be decided by the Railway Board.

(v) The cases of 'projects' other than 'new lines' or 'restoration' or 'surveys' will be decided by the Railway Board on merits.

(vi) (a) The allowance will be admissible also to temporary staff recruited through Railway Recruitment Boards, or otherwise by a competent authority, if they are not locally recruited staff, as well as to staff engaged on re-employment terms. As Group 'C' staff as a rule are not recruited locally this will exclude such staff as are recruited locally (through the local Employment Exchange or otherwise). Construction allowance will not be admissible to casual labour.

(b) Staff employed in connection with surveys, new lines under construction, restoration of dismantled lines and such other projects as are specifically approved by the Railway Board will be eligible for the allowance wherever employed in connection with these works i.e., whether residing within the project site or area or not.

(c) This allowance will not be admissible in localities where compensatory and/or house rent allowances have been sanctioned to all railway servants by general orders. As an exception to this general principle, however, staff residing in 'Z' class towns, most of whom draw relatively very small amounts as house rent allowance, will be permitted to draw either the construction/survey allowance, or the other compensatory (house rent) allowance, whichever is higher.

(d) The staff employed partially on a survey/construction or other project approved by the Railway Board, for the purpose of drawing this allowance, and partially on other projects for which this allowance is not admissible, will be entitled to draw this allowance so long as they are closely associated with the construction/survey or other project work.

(vii) Staff transferred to the project even where such transfers involve promotion, will be eligible for the allowance.

(viii) The allowance will be admissible during leave also, subject to the condition that the railway servant should certify that while on leave he continued to incur a considerable portion of the expenditure for which the allowance had been sanctioned.

(ix) Survey, construction and project staff and gazetted railway servants will draw this allowance for the duration of sanction to the staff in connection with the survey, & C. In the case of surveys, however, the allowance will be admissible only during the period of field work and not during recess periods.

NOTE 1.--The allowance may be sanctioned by the General Managers but the question whether a particular project/survey/new line construction will qualify for the grant of construction/survey allowance or not should be referred to the Railway Board for decision.

NOTE 3.2 --The staff of the construction organisation, who are otherwise eligible for it, may continue to get the allowance for a maximum period of 12 months after the opening of the line/project for both goods and passenger traffic, provided that-

(i) When a line/project is opened in sections, the opened section(s) would be treated as a separate line/project for this purpose.

- (a) Staff engaged in connection with the opened section(s) only will, therefore be eligible for the allowance up to a maximum period of 12 months after the opening of the section(s) to goods and passenger traffic.
- (b) Staff engaged partly in connection with opened section(s) and partly in connection with the rest of the line/project would be deemed to be engaged in connection with the rest of line/project for so long as they are closely associated with the rest of line/project; such staff will, therefore, be eligible for the allowance up to a maximum period of 12 months after the opening of the rest of the line/project to goods and passenger traffic.

(ii) During the period of 12 months referred to above the allowance will be paid only to those staff otherwise eligible for it who were a part of the construction organisation and were in receipt of the allowances before opening of the line/project or the Section thereof or as the case may be the section(s) thereof for goods and passenger traffic.

## **1423-A. Project Allowance**

### **I. Conditions**

(i) The project allowance is to be given only for large scale projects and not for the construction of individual buildings. It will not be admissible except in such projects which have been declared by special orders by Government as qualifying for the grant of the same. Generally, the allowance will be sanctioned only if the execution of the project involves the establishment of a large construction organization and the construction is spread over a number of years. The allowance is intended primarily to compensate the staff for lack of amenities such as housing, schools, markets and dispensaries etc. Where reasonable amenities already exist, there would be no justification for the grant of the allowance. Government would fix a time limit at the time of sanctioning the project allowance initially, and it would be extended only if conditions warrant the continuance of the same.

(ii) These orders would apply to Central Government employees working in Central Govt. Projects, State Govt. projects and projects managed by autonomous bodies/corporations, wholly or substantially owned or controlled by Government and where entitlement is governed by Central Govt. rules/orders.

(iii) The allowance will not be admissible to staff recruited on ad-hoc scales of pay, such as daily rated or casual labor and paid from contingencies.

(iv) The allowance will be admissible only to such staff as are employed on the project and reside within the project area or in a nearby locality. The allowance may also be granted to such Central Government staff of other Departments as have their offices located in the project area for the work of the project, provided they reside within the project area or in a nearby locality. As an exception, the allowance may also be granted to an employee residing outside the project area, subject to the following conditions :—

(a) He should be residing outside the project area due to the non-availability of the residential accommodation in the area and not because such an arrangement is more convenient to him, and

(b) No facility of free or subsidized transport is available to such an employee for journeys to and from the project.

**Note :** 1. The term 'project area' will be the area defined as such by Government in respect of each project for which the project allowance is sanctioned.

2. Central Government staff of other departments, whose offices have been located in the project area not specifically for the work of the project authorities may be allowed project allowance at 50% of the rates admissible from time to time to employees directly connected with the work of the project, subject to the other conditions laid down.

(v) The continuance of the allowance would not be justified for the staff of the project when reasonable amenities have been provided in the project area. Hence, the allowance sanctioned originally for such staff shall be reduced in stages after a review of the amenities provided, until it is withdrawn finally. As an exception, in the case of temporary construction staff who have not been absorbed in the project on a regular basis, the allowance may be continued on a reduced scale until such staff are

finally discharged so long as constructions of any magnitude goes on. This concession will, however, be allowed only for a reasonable limited period.

(vi) The allowance will not be admissible during the periods of transfer out of the project area exceeding two months or during leave for a period exceeding two months, provided that the allowance may be paid for another period not exceeding two months, if the extended period of leave is on medical certificate.

During the period of suspension, the allowance will be regulated in the same manner and subject to production of a certificate, as prescribed for city compensatory allowance in the Ministry of Finance O. M. No. 2(37)-E.II(B)/64 dated 27-11-65 as amended from time to time and will be admissible only so long as the headquarters of the Government servant under suspension continues to be located in the project area.

During the period of joining time, the allowance will be regulated in the same manner as City Compensatory allowance.

(vii) In regard to State projects and projects managed by autonomous bodies/corporations, the Central Government employees will be eligible, subject to the conditions mentioned in these orders for the grant of project allowance from the date they join their duties at the project site, if the employees of the State Government/autonomous body/corporation concerned are already getting it.

(viii) If the project is located at a place where compensatory city allowance and/or house rent allowance or any other special compensatory allowance are admissible, no project allowance will be admissible. Where, however, the project is situated in the proximity of such a place, a project allowance may be sanctioned if justified, but the ceiling for the project allowance for such cases would be limited to 50% of the ceiling mentioned below. In such a case, the individuals will have an option to draw either the project allowance or CCA/HRA, as may be admissible. In cases where rent free accommodation or HRA in lieu is given to an employee, as a condition of service or a project concession, the project allowance will be reduced by 25%.

## **II. Rate of Allowance**

(i) The rates of project allowance shall be as under :—

<b>Level in Pay Matrix</b>	<b>Cell Name</b>	<b>Rate per month (Rs)</b>
Level 9 and above	R3H2	3400
Level 8 and below	R3H2	2700

The above rates are w.e.f. 01.07.2017. The rates shall increase by 25% whenever the Dearness Allowance payable on the revised pay structure goes up by 50%.

NOTE. (i) The term 'Pay Level' in the revised pay structure means the 'Level' in the Pay Matrix.

(ii) Railway employees, whose offices are in the project area, but not specifically for the work of the project, and the projects are covered by the Ministry of Finance's O.M. No. 20011/5/73-E.IV(B) dated 17.01.1975 on project allowance (circulated under Board's letter No. E(G)73AL12-27 dated 27.11.78 and No. PC-IV/86/Imp/AL-15 dated 14.10.86) shall, however be entitled to Project Allowance only at 50% of the above rates.

(iii) In respect of those employees who opt to continue in their pre-revised pay structure, corresponding Level in the Pay Matrix as indicated in Railway Services (Revised Pay) Rules, 2016 would determine the allowance.

(Authority:- Board's letter No. E(G)2017/AL 12-2 dated 12.12.2017) RBE No. 156/2017

(iv) The Government will fix the quantum of allowance at the time of sanctioning it and also each time it is reviewed.

## **III. Procedure for sanctioning the Project Allowance**

All cases in which it is proposed to sanction project allowance shall be referred to the Ministry of Finance (Establishment Division) through respective associate Finance Branch in the proforma mentioned below, subject to the fulfillment of the  
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conditions enumerated above and after such consultation with other Departments as may be considered necessary, sanction for grant of project allowance will be issued in all cases by the Ministry of Finance.

[E(G) 73/AL/12-27 dated 27-11-1978].

**PROFORMA FOR REFERRING PROPOSALS FOR GRANT OF PROJECT ALLOWANCE TO MINISTRY OF FINANCE**

1. Brief particulars of the Project.

**2. For Central Projects**

(i) Financial outlay on the project (Cost of machinery, if any, may be excluded).

(ii) Date of commencement and likely date of completion of the project.

(iii) The period for which project allowance should be given.

**2. A. For State Projects/Public Sector projects**

(i) Rates of project allowance sanctioned and conditions attached thereto.

(ii) The period for which the project allowance has been sanctioned.

(iii) Whether project allowance is admissible only to the project employees or also to non-project employees stationed/residing alongside.

N.B.—A copy of the orders issued by the state Government/Public Sector concerning point (i) to (iii) above may be appended.

3. (i) Details of location of the project and the area it covers.

(ii) Whether the staff resides within the project area or elsewhere. In the latter case particulars of the place and its distance from the project area.

(iii) Whether the following basic amenities exist within the project area/nearby locality. If not, the nearest point from the project/residential area at which these are available inter-alia indicating approximate distance upto these points.

(a) Market

(b) Dispensary

(c) Post Office

(d) Railway Station

(e) Publication facility

(f) School

(if possible enclose a sketch map showing the project area etc.)

(iv) Whether any CES/HRA or any other compensatory allowance is admissible?

4. (i) Particulars of the offices and their staff for whom grant of project allowance has been recommended and the annual financial effect thereof.

(ii) Whether the office and staff mentioned at Sr. No. 4(i) have been located in the project area at the specific request of Project authorities. If not, in what way is it associated with the project.

(if so, a certificate to the effect that the office (s) is/are, located within the project area may be obtained from the project authorities and enclosed with the proposal).

(iii) Date from which the offices referred to in 4.(i) were opened.

5. Whether any other Central Government offices are located in the project area. If so, names of such offices so far as are-known

6. Whether any of the offices mentioned at Sl. No. 5 has been sanctioned project allowance ? If so, names of the offices may be indicated.

7. Will the grant of project allowance to the staff in Sr. No. 4(i) have repercussions on those referred to in Sl. No. 5 ? Give reasons in either case.

8. Any other information relevant for consideration of the case. (Shifted from Chapter-7 of IREM-I)

**1424. National Holiday Allowance**--The non-gazetted staff booked on duty on National Holidays may be compensated as under:-

Level in the Pay Matrix (VII CPC)	Rate of Allowance (per day)
1 and 2	Rs. 384
3 to 5	Rs. 477
6 to 8 (limited to non-gazetted staff)	Rs. 630

The above rates are admissible w.e.f. 01.07.2017. The rates will further increase by 25% each time DA rises by 50%.

(Authority:- Board's letter No. E(P&A)I-2017/HL/1 dated 30.08.2017) RBE No.108/2017

2.(i) The Rule/provisions are not applicable to gazetted officers.

(ii) The cash compensation is payable even when an employee is on rest. It is not necessary that his rest should be abrogated to be eligible for the cash compensation.

(iii) The shift duty staff who work round-the-clock and might have performed part duty on the holiday in question can be paid the National holiday Allowance at the full prescribed rates.

(iv) The cash compensation is meant only for those who do not enjoy public holiday and are also required to work on the National Holidays.

(v) The monetary compensation will also be payable in the following circumstances:-

(a) When the day of rest and the National Holiday fall on the same day, and

(b) When the running staff are on 'waiting duty on a National Holiday'.

(c) The monetary compensation will also be applicable when the running staff are on 'Light Duties' on a National Holiday.

- (d) The running staff who have completed their rest including periodic rest on a National Holiday and who are waiting to be booked for duty on that day will also be entitled to the National Holiday Allowance.
- (vi) The monetary compensation will be applicable when the relieving staff travel as passengers on the National Holidays to their Headquarters after performing duties at out-stations. The compensation will also be applicable when the relieving staff travel as Passengers from their Headquarters to take up duty at another stations.
- (vii) As the members of the Railway Protection Force work round the clock and are not entitled to public holidays, they will be eligible for compensation for working on National Holidays.
- (viii) Office staff who are eligible for public holiday would not be entitled to additional payment merely because of their attendance on a National Holiday.
- (ix) The Monetary compensation in lieu of National Holiday may be paid to such of those Railway Territorial Army Personnel, who have opted for Railway pay and allowances even during embodiment on T.A. duty as provided for in Board's letter No. PC-60/HL-2/1 dt. 10-8-61 read with letter No. PC-66/HL-2/2 dt.3-9-68.

**NOTE: 1 . Deleted**

2. There should be a stricter control and supervision with regard to earmarking the staff for duty on National Holidays. There should be rigorous and strict scrutiny of the list of staff required to be booked for duty on National Holidays which should be finalized by the concerned Head of the Department in consultation with the Principal Chief Personnel Officer and the PFA. In respect of Divisional staff there should be a similar scrutiny at the level of the DRM in consultation with the Associate Finance. While operational services are required to be manned on National Holidays on a scaled down basis and minimum maintenance services will also have to be provided, without compromising the requirements of the safety of the Railway Assets and the traveling public as well as the operational considerations, it should be possible to ensure that regular work including normal maintenance work is attended to either on the previous day or postponed to the day following National Holiday. Only such of those staff as are indispensable for maintaining the required scale of operation on a National Holiday, without compromising the requirements of security or the safety of the travelling public are generally to be deployed on National Holiday. For instance, Inspectorial/Line staff need not be booked on a National holiday if their duties are of such a nature that they can be attended to either on the previous day or on the following day. The strictest possible control should be maintained over the list of staff eligible for National Holiday Allowance as well as the over-all incidence of expenditure on the allowance.

3. (i) The National Holiday Allowance shall be made applicable for 50% of the gangs in turn rather than giving compensatory rest in lieu of National Holiday Allowance.

(ii) The open line staff booked on line duty on national Holidays irrespective of the fact whether such staff draws TA/DA or not are also eligible for national Holiday Allowance.

(Authority: Board's letter No. E(P&A)I/98/HL/2 dated 18.02.1998 and 14.07.1998 and No. E(P&A)I-98/HL/1, dated 22-12-98).

**1425. Allowances admissible to RPF/RPSF personnel:--**

**1. Ration Money Allowance--**(a) Non-gazetted personnel upto the rank of Inspector Grade I (Pay Level-7 of Pay Matrix in VII CPC) are entitled to Ration Money Allowances at a rate fixed by the Ministry of Railways from time to time.

NOTE: with the introduction of this Ration Money Allowance (w.e.f. 1-8-97) Extra Duty Allowance for working more than nine hours in a day as also the Ration subsidy, cease to be admissible.

(b) During LAP, Ration Money is payable upto 120 days. It will be paid at full rates for the first 60 days and at half the rates, for the next 60 days. (Authority: Railway Board's letter No. E(P&A)I-98/ALL/RPF-1 dated 01.04.98; RBE No.66/98)

It is not admissible during Commuted Leave, Maternity Leave and Paternity Leave. (Authority:- Railway Board letter NoE(P&A)I-2005/ALL/RPF-2 dated 14.06.2018; RBE 88/2018)

(c) RPF/RPSF personnel deployed on Internal Security Duty are entitled to Ration Money at full rates for a maximum period of six months only.

(d) Deleted (Authority:- Railway Board letter No. E(P&A)1-2005/ALL/RPF-2 dated23-04.2012) ---ACS no. 59

**2. Cash Compensation for holidays/Closed days.**---(a) In the exigencies of public service, RPF/RPSF personnel are required to perform duty even on gazetted holidays/closed days/restricted holidays/National Holidays/weekly rest days/other holidays. Every effort should be made to grant compensatory holiday/rest in lieu of the holiday/rest foregone by the staff during the same week or within the next 30 days. It is only in emergent situation that weekly rest or compensatory rest/holiday for working on rest days or on gazetted holidays should be denied and the reasons therefore should be recorded by Company Commanders/Officer-in-charge of the post. The permission to staff for leaving station on rest days should invariably be granted, if asked for. The Security Officer/Assistant Security Officer will personally ensure this and issue suitable instructions to the Company commanders/Post In-charge.

(b)The cash compensation is payable for each day the personnel actually work on holidays for which it is not possible to grant compensatory off as per sub-rule (a) above.

NOTE: The total amount of cash compensation in a Calendar year will not exceed one month's salary comprising basic pay, special pay (if any) and dearness allowance.

(c) RPF/RPSF personnel will not be entitled to National Holiday Allowance in addition, for performing duty on a National Holiday.

(d) The term 'holiday' includes all the 16 public/gazetted holidays/Restricted holidays, weekly rest days (whether Sunday and any other day), 2<sup>nd</sup> Saturdays and 9 National Holidays for the purpose of Cash Compensation in lieu of attendance on these holidays.

(Authority:- Railway Board's letter No. E(P&A)I-98/ALL/RPF/3dated 25.5.99: RBE No. 115/1999)

**3. Washing Allowance – Subsumed in Dress Allowance** w.e.f. 01.07.2017.

#### **1426: Allowance to Doctors—**

**(1) Annual Allowance:** Railway doctors having Post Graduate Qualification recognized under Indian Medical Council Act, 1956 will be granted Annual Allowance @ Rs. 2250/- (Rupees two thousand two hundred fifty only) per month. The General Duty Doctors without recognized Post Graduate Qualification or with unrecognized P G qualification will be granted Annual Allowance @ Rs. 1350/- (Rupees one thousand three hundred fifty only) per month w.e.f. 01.07.2017 subject to the following terms and conditions:--

(a) This will be granted to all railway doctors including Dental Surgeons .

(b) At the end of the financial year, each Specialist/General Duty Medical Officer will be required to furnish a certificate to the effect that the amount of Annual Allowance has been utilized for the purpose for which it was drawn. In the case of retirement/resignation before the end of the financial year, such a certificate will be furnished at the time of such retirement/resignation.

(c) The above allowance will not have the characteristics of pay and will not be reckonable for any purpose whatsoever.

(d) All doctors in Medical Departments with Post Graduate Qualifications are eligible for grant of Annual Allowance irrespective of the fact whether they are working as Specialists or as General Duty Doctors.

- (e) Post Graduate Diploma Holders in the Medical department of Indian Railways are also eligible for the grant of this Allowance.

The rates of the allowance will further rise by 25% each time DA payable on revised pay scale rises by 50%.

(Authority:- Railway Board's letter No. E(P&A)I-2017/AL-2 dated 09.01.2019)

**(2). Post Graduate Allowance to Medical Officers for possessing Post Graduate Degree/Diploma Qualifications--**The Post Graduate Allowance will be paid @ Rs. 2250/- p.m. and Rs.1350/- p.m. for possessing PG Degree and PG Diploma recognized under Indian Medical Council Act, 1956 respectively to the Medical Officers upto the level of Non-Functional Selection Grade w.e.f. 01.07.2017 subject to the following terms and conditions: -

- (a) The Post graduate allowance shall be treated as pay for the purpose of rule 1303 (FR 9) (21) (a) (iii).

(b) The Post Graduate Allowance shall be admissible to the fresh recruits if they possess the prescribed post graduate diploma/degree at the time of their appointment or they subsequently acquire the post graduate qualification. In the latter case, the post graduate allowance shall be admissible from the date of publication of the result of the Post Graduate qualification; provided that in case of Post Graduate qualification requiring the internship or submission of a thesis before the award of the post graduate diploma or degree, the post graduate allowance shall be admissible only from the date of award of post graduate degree or diploma.

(c) This, however, will not be admissible where possession of the post graduate qualification has been prescribed for recruitment to the post.

The rates of the allowance will further rise by 25% each time DA payable on revised pay scale rises by 50%.

(Authority: Railway letter No. E(P&A)I-2017/AL-2 dated 28.05.2018: RBE No. 75/2018)

**1427. Daily Officiating Allowance - Discontinued w.e.f. 01.07.2017.**

(Authority:- Railway Board's letter No. E(P&A)I-2011/FE-4/1 dated 05.09.2017) RBE No. 120/2017

## **1428. Other Allowances\***

**Following allowances are subject to modification / revision issued from time to time.**

### **(i) Special Train Controllers Allowance:-**

Section Controllers and Chief Controllers are entitled for the Special Train Controllers Allowance @ Rs. 5000/- per month.

- NOTE:- 1. This allowance is admissible w.e.f. 01.07.2017.  
2. The rate of allowance will increase by 25% each time the DA arises by 50%.

(Authority: Railway Board's letter No. PC-VII/2017/I/7/5/3 dated 10.08.2017 and 15.09.2017) RBE No. 86/2017 & 129/2017

### **(ii) Risk and Hardship Allowance :-**

Track Maintainers (other than Construction Organisation) are entitled for Risk and Hardship Allowance as per cell R3H2 (Rs. 2700/- for Level 8 & below and Rs. 3400/- for Level 9 & above) of Risk and Hardship Matrix.

- NOTE:- 1. This allowance is admissible w.e.f. 01.07.2017.

(Authority: Railway Board's letter No. PC-VII/2017/I/7/5/4 dated 10.08.2017 & 25.10.2018: RBE No. 87/2017)



**(iii) Coal Pilot Allowance:-**

Shuntman and other staff of Transportation Department who accompany the Coal Pilot in the collieries for shunting duty are entitled for Coal Pilot Allowance at following rates:-

	Rates in Rs.
For the first Trip	102/-
For every subsequent Trip	34/-

NOTE:- 1. This allowance is admissible w.e.f. 01.07.2017.

(Authority: Railway Board's letter No. F(E)I/2017/AL-4-6 dated 11.08.2017: RBE 92/2017)

**(iv) Children Education Allowance:-**

The amount fixed for reimbursement of Child Education Allowance is Rs. 2250/- per month and for Hostel Subsidy is Rs. 6750/- per month.

NOTE:- 1. These rates are effective from 01.07.2017.

2. The rates would be automatically increased by 25% every time the Dearness Allowance on the revised pay structure goes up by 50%.

3. The rates would be doubled for differently abled children.

4. In case both the spouses are Government Servant, only one of them can avail reimbursement.

Terms and conditions contained in Railway Board's letter No. E(W)2017/ED-2/3 dated 13.8.2018 shall apply.

(Authority:- Railway Board's letter No. E(W)2017/ED-2/3 dated 12.10.2017( RBE No. 147/2017) & dated 13.08.2018( RBE No. 114/2018)

**(v) Constant Attendant Allowance:-**

The pensioners who retired on disability pension under Railway Services (Extraordinary Pension) Rules, 1993 with 100% disability (where the individual is completely dependent on somebody else for day to day function) are entitled for Constant Attendant Allowance which is paid in addition to the disability pension. The rate of CAA has been revised from Rs. 4500/- per month to Rs. 6750 per month w.e.f. 01.07.2017.

It shall be increased by 25% every time the dearness allowance on the revised Pay in the pay Matrix increases by 50%.

(Authority:- Railway Board's letter No. F(E)III/2009/PN1/6 dated 22.08.2017 & 8.11.2017: RBE 101/2017 & 164/2017)

**(vi) Fixed Medical Allowance:-**

Railway Pensioners residing beyond 2.5 kms of Railway Hospitals/Health Units are entitled to opt for Fixed Medical Allowance in lieu of OPD facility at the time of their retirement for meeting expenditure on their day-to- day medical expenses that do not require hospitalization.. The rate of FMA is Rs. 1000/- per month w.e.f. 01.07.2017.

(Authority:- Railway Board's letter No. PC-V/2016/A/Med/1(FMA) dated 28.07.2017: RBE 75/2017)

**(vii) Hard Area Allowance:-**

Railway employees posted in Nicobar Group of Islands and Minicoy, Kiltan, Andrott, Kalpeni, Chetlat, Kadmat, Amini and Bithra Islands of Lakshadweep are entitled for Hard Area Allowance at the following rates:

Place where posted	Rate per month
(i) Nicobar Group of Islands and Minicoy in Lakshadweep Islands	20% of Basic Pay
(ii) Lakshadweep Group of Islands (Kiltan, Andrott, Kalpeni, Chetlat, Kadmat, Amini and Bithra Islands)	12% of Basic Pay

NOTE:-1. These rates are effective from 01.07.2017.

2. 'Basic Pay' means the pay drawn in the prescribed Level in the Pay Matrix of the revised pay structure but does not include any other type of pay.

3. In places where more than one Special Compensatory Allowance are admissible, the employee have option to choose the allowance which benefits them the most i.e. Hard Area Allowance or one of the Special Compensatory Allowances under Tough Location Allowance Category-I, II and III.

4. The Hard Area Allowance is admissible in addition to the Island Special Duty Allowance, where admissible.

(Authority:- Railway Board's letter No. F(E)I2017/AL-4/7 dated 16.08.2017: RBE 95/2017)

**(viii) Health and Malaria Allowance:-**

Health and Malaria Inspectors are entitled for Health and Malaria Allowance at the rate of Rs. 1000/- per month upto Level 8 in Pay Matrix (VII CPC) and Rs. 1200/- per month for Level 9 & above in Pay Matrix (VII CPC).

NOTE:- 1. These rates are effective from 01.07.2017.

2. The rate of allowance will increase by 25% each time the DA rises by 50%.

3. The rate of Allowance is payable as per cell R3H3 of the Risk and Hardship Matrix.

(Authority:- Railway Board's letter No. E(P&A)I-2017/SP-1/Genl-2 dated 27.10.2017: RBE No. 159/2017)

**(ix) Non-Practicing Allowance:-**

IRMS Officers and Dental Doctors under Indian Railways are entitled for Non-Practicing Allowance. The rates of NPA have been modified w.e.f. 01.07.2017 and paid at the rate of 20% of the Basic Pay in the revised pay structure notified under RS(RP) Rules, 2016 subject to the condition that Basic Pay and NPA does not exceed Rs. 2,37,500/-.

NOTE:-1. The term 'Basic Pay' means the pay drawn in the prescribed Level in the Pay Matrix notified under RS(RP) Rules, 2016.

2. The NPA shall be treated as pay for the purpose of computation of Dearness Allowance and other allowances, except those allowances in respect of which the applicable orders provide otherwise, including calculation of retirement benefits. Dearness Allowance means dearness allowance as sanctioned by the Central Government from time to time in the 7<sup>th</sup> Pay Commission pay structure.

3. NPA is restricted to those medical posts for which medical qualifications recognized under the Indian Medical Council Act, 1956 or under the Dentist Act, 1948 have been prescribed as essential qualification. The other conditions are (a) the post is a clinical post, (b) the post is a whole time post, (c) there is ample scope for private practice, and (d) it is necessary to prohibit practice in public interest.

(Authority:- Railway Board' letter No. PC-V/2017/A/NPA/1 dated 04.08.2017: RBE No. 82/2017)

**(x) Refreshment Allowance:-**

Players/Coaches/Officials/Attendants for Championship and Coaching Camps are organised by RSPB are entitled for Refreshment Allowance at the following rates:

1	During participation of Indian Railways team in Coaching Camp/Championship as on Special Casual Leave	Rs. 540/- per day per head
2	During participation of Indian Railways team in Coaching Camp/Nationals/Specified Tournaments	Rs. 540/- per day per head

(Authority:- Railway Board's letter No. 2016/E(Sports)/RSPB/10(2)/9 dated 08.09.2017: RSPB 3/2017)

**(xi) Training Allowance:-**

The faculty members of Centralised Training Institutes and various other Training Centres of Indian Railways for imparting training to Group 'A' Officers and non-gazetted staff, are entitled for Training Allowance as stated below:

In the National/Central Training Academies and Institutes for Group 'A' Officers	24% of Basic Pay
In other Training Establishments	12% of Basic Pay

- NOTE:-
1. These rates are effective from 01.07.2017.
  2. 'Basic Pay' means the pay drawn in the prescribed Level in the Pay Matrix of the revised pay structure.
  3. The allowance is admissible only to the employees who join the training establishments for specified period of time and are then likely to go back. It will not be admissible to those employees who are directly recruited by such training establishments for imparting training.
  4. Training Allowance will be admissible to the faculty members without any ceiling of 5 years and standard cooling off period between tenures will apply.

(Authority:- Railway Board's letter No. E(MPP)2012/3/28 dated 06.10.2017: RBE No.145/2017)

**(xii) Sumptuary Allowance:-**

This allowance was admissible to Director/Head of CTIs, Course Directors and Counsellors stands abolished w.e.f. 01.07.2017.

(Authority:- Railway Board's letter No. E(MPP)2012/3/28 dated 06.10.2017: RBE No.145/2017)

**(xiii) Operation Theatre Allowance:-**

Nursing Personnel working in major operations theatres, ICU/ICT areas, CCU/CC laboratories, dialysis units/wards, transplant units/wards, ICU for burns, tetanus wards, rabies wards, paediatric nursery/neonatal units are entitled for Operation Theatre Allowance at the rate of Rs. 540/- per month.

- NOTE:-
1. The rate is effective from 01.07.2017.
  2. The allowance shall be paid to the nursing personnel for such period only when the concerned staff is actually working in the specified areas. The minimum period for working in the specialised areas will be two to three years.
  3. No Nursing Officer with less than one year of service is to be posted for duty in these areas.
  4. This allowance is restricted to 35% of the total staff strength of nursing staff of any hospital.

(Authority:- Railway Board's letter No. E(P&A)I-2017/SP-1/MH-1 dated 27.12.2017: RBE 207/2017)

**(xiv) Special Allowance for Child Care for Women with Disabilities:-**

Women employees with disability especially when they have young children and children with disabilities are entitled for Special Allowance for Child Care at the rate of Rs. 3000/- per month w.e.f. 01.07.2017.

- NOTE:-
1. The allowance shall be payable from the time of the child's birth till the child is two years old.
  2. The allowance is payable for a maximum of two eldest surviving children.
  3. Disability means a person having a minimum disability of 40% as elaborated in Ministry of Welfare's Notification No. 16-18/97-N.I.I dated 01.06.2001 and amended from time to time.
  4. The rates would be automatically raised by 25% every time the Dearness Allowance on the revised pay structure goes up by 50%.

(Authority:- Railway Board's letter No. E(W)2017/ED-2/4 dated 07.12.2017: RBE No. 190/2017)

**(xv) Special (Duty) Allowance serving in NE Region and Ladakh:-**

Railway employees serving in NE Region and Ladakh are entitled for Special (Duty) Allowance (SDA) at the rate of 10% of the Basic Pay w.e.f. 01.07.2017.

NOTE:-1. 'Basic Pay' means pay drawn in prescribed levels in the Pay Matrix of VII CPC but does not include any other Special Pay etc. .

2. SDA is not admissible alongwith Tough Location Allowance. Employees will have the additional option to avail the benefit of Special Compensatory (Remote Locality) Allowance as per 6<sup>th</sup> CPC rates alongwith SDA at revised rates.

3. SDA shall not admissible during the period of leave/training/tour etc. beyond full calendar month(s), in case, employee is outside the NE Region and Ladakh region during that period. The allowance shall not be admissible during suspension and joining time.

(Authority:- Railway Board's letter No. F(E)I/2017/AL-4/2 dated 10.08.2017: RBE No. 88/2017)

**(xvi) Extra Work Allowance:-**

- (a) Commercial Staff incharge of Flag Station where train passing duties are not involved, are eligible for Extra Work Allowance at a uniform rate of 2% of the Basic Pay per month. The Flag Station Allowance admissible to such staff stands abolished.
- (b) The teachers entrusted with additional charge of library works in Railway schools which do not have any separate post of librarian are eligible for Extra Work Allowance at the uniform rate of 2% of the Basic Pay per month. The Library Allowance admissible to such teachers stands abolished.
- (c) Officers in Sr. Scale/JA Grade/SA Grade entrusted with administrative control of Hindi Work are eligible for Extra Work Allowance at a uniform rate of 2% of the Basic Pay per month. The Rajbhasha Allowance stands abolished.

NOTE:-1. The Extra Work Allowance have been introduced based on the recommendations of 7<sup>th</sup> CPC and are effective from 01<sup>st</sup> July, 2017.

2. An employee shall receive this allowance for a maximum period of one year, and there should be minimum gap of one year before the same employee is deployed for similar duties again.

3. This allowance shall not be combined i.e. if the same employee is performing two or more such duties and is eligible for 2% allowance for each add-on, then the total Extra Work Allowance payable will remain capped at 2% of basic pay.

(Authority:- Railway Board's letter No. E(P&A)I-2017/SP-1/Genl-1 dated 05.09.2017 RBE No. 121/2017, E(P&A)I-2017/SP-1/Genl-6 dated 27.12.2017 RBE No. 206/2017, E(P&A)I-99/SP-1/Genl-1 dated 22.07.1999 and E(P&A)I-2017/SP-1/Genl-5 dated 02.01.2018)

**(xvii) PCO Allowance:-**

Staff on posting from shop floor to Production Control Organisation are eligible for PCO Allowance at the following rates:

Section Engineers and Sr. Section Engineers in level 7 in the Pay Matrix (VII CPC)	6% of Basic Pay
Non-supervisory staff and Jr. Engineers up to level 6 in the Pay Matrix (VII CPC)	12% of Basic Pay

NOTE:-1. These rates are effective from 01.07.2017.

2. Staff recruited specifically for Production Control Organisation and still borne on PCO cadre or permanently absorbed therein are not entitled for PCO Allowance at any stage.

3. PCO Allowance will not be reckoned for any benefit such as DA, HRA, pension, gratuity and fixation of pay on promotion.

4. JE/SSEs of PCO though drawing pay in higher level under MACPS are entitled for PCO Allowance with reference to their substantive basic pay drawn by the concerned JE/SSEs in level 6 and level 7 respectively.

(Authority:-Railway Board's letter No. E(P&A)I-2017/SP-1/WS-1 dated 30.08.2017 & 30.7.2018 (RBE No. 112/2017 & 107/2018), PC-IV/86/SP/1 dated 16.10.1989, PC-IV/89/SP/2 dated 28.03.1990, PC-IV/89/SP/2 dated 31.05.1991 and E(NG)I-78 SR6/44 dated 09.06.1978)

**(xviii) Special Allowance to nominated Chief Safety Officers/Safety Officers of Workshop:-**

Senior Supervisors of workshop cadre (whether working in workshops or PCO) when deputed as Chief Safety Officers/Safety Officers are eligible for Special Allowance @ 6% of Basic Pay.

NOTE:-1. The Special Allowance at above rate is w.e.f. 01.07.2017.

2. En-cadre staff of PCO on posting as CSO/SO is not entitled for this special allowance.

(Authority:- Railway Board's letter No. E(P&A)I-2017/SP-1/WS-2 dated 30.08.2017 RBE No. 111/2017 & E(P&A)I-2008/SP-1/WS-1 dated 04.07.2008)

**(xix) Transport Allowance:-**

Transport Allowance is admissible to Railway employees at the following rates:-

Employees drawing pay in Pay Level	Rates of Transport Allowance per month	
	Employees posted in the Cities as per Annexure*	Employees posted at all Other Places
9 and above	Rs. 7200 + DA thereon	Rs. 3600 + DA thereon
3 to 8	Rs. 3600 + DA thereon	Rs. 1800 + DA thereon
1 and 2	Rs. 1350 + DA thereon	Rs. 900 + DA thereon

(\*Hyderabad(UA), Patna(UA), Delhi(UA), Ahmedabad(UA), Surat(UA), Bangalore-Bangaluru(UA), Kochi(UA), Kozhikode(UA), Indore(UA), Grater Mumbai(UA), Nagpur(UA), Pune(UA), Jaipur(UA), Chennai (UA), Coimbatore(UA), Ghaziabad (UA), Kanpur(UA), Lucknow(UA), Kolkata (UA))

Railway employees who are drawing pay of Rs. 24200/- & above in Pay Level 1 & 2 of the Pay Matrix, shall be eligible for grant of Transport Allowance @ Rs. 3600 plus D.A. thereon at the cities mentioned in the Annexure\*.

(Authority:- Railway Board's letter No. PC-V/2017/A/TA/1 dated 17.08.2017:RBE No. 96/2017)

NOTE:-1. These rates are effective w.e.f. 01.07.2017.

2. The allowance shall not be admissible to those employees who have been provided with the facility of Government transport.

3. In respect of those employees who opt to continue in their pre-revised Pay-structure/Pay Scales, the corresponding Level in the Pay Matrix of the post occupied on 01.01.2016 as indicated in Railway Services (Revised Pay) Rules, 2016 would determine the allowance under these orders.

4. Physically disabled employees as mentioned in Railway Board's letter No. F(E)I-78/AL-7/5, dated 23.10.1978 and subsequent orders in respect of the categories viz. visually impaired, orthopedically handicapped, deaf and dumb/hearing impaired, spinal deformity, shall continue to be paid Transport Allowance at double the normal rates, (irrespective of whether they are residing within the campus-housing the place of work and residence

or Government or private accommodation within one Km, of office RBE 117/2018) subject to fulfillment of the stipulated conditions, which shall, in no case, be less than Rs. 2250/- p.m. plus applicable rates of Dearness Allowance.

5. Officers drawing pay in Levels 14 and above in the Pay Matrix, who are entitled to the use of official car in terms of Board's letter No.E(G)95AL4-9 dated 06.11.1995 shall be given the option to avail the official car facility or to draw Transport Allowance at the rates of Rs. 15750/- p.m. plus Dearness Allowance thereon. Before, allowing Transport Allowance @ Rs. 15750/- plus D.A. thereon, the option exercised by an officer will be examined by the administrative Ministry and his/her entitlement to the use of official car in terms of Board's letter dated 06.11.1995 ibid will require to be certified by the competent authority. In case, an officer opts to draw Transport Allowance @ Rs. 15750/- p.m. plus D.A. thereon, he/she will not be allowed to change his/her option during the remaining period of his/her current assignment.

6. In the case of the employees presently availing of the facility of workmen trains, an option is to be given to the employees as a group to either avail themselves of the existing facility or to switch over to the payment of transport allowance as admissible under these orders.

7. **Admissibility of Transport Allowance during the following circumstances:-**

(a) **During Leave:** The allowance will not be admissible for the calendar month(s) wholly covered by leave.

(b) **During deputation abroad:** The allowance will not be admissible during the period of deputation abroad.

(c) **During tour:** If an employee is absent from the Headquarters/Place of Posting for full calendar Month(s) due to tour, he/she will not be entitled to Transport Allowance during that/those calendar month/months. However, if the absence does not cover any calendar month(s) in full, Transport Allowance will be admissible for full month.

(d) **During training treated as duty:** The allowance may be granted during such training, if no Transport Facility/Travelling Allowance/Daily Allowance is provided for attending the training institute. During official tour in the training course, the allowance will not be admissible when the period of the tour covers the whole calendar month. Also, during training abroad, no Transport Allowance will be admissible when the period of such training covers the whole calendar month.

(e) **During inspection/survey duty by Members of Special Parties within the city but exceeding 8 kms. from the Headquarters OR during continuous field duty either in or outside the Headquarters:** Transport Allowance is given to compensate for the expenditure incurred for commuting for both to and fro between the place of duty and residence. In case when one gets Road Mileage/Daily Allowance or free transportation for field/inspection/survey duty or tour for a period covering the whole calendar month, he/she will not be entitled to Transport Allowance during that calendar month.

(f) **To vacation staff:** Vacation staff is entitled to Transport Allowance provided no free transport facility is given to such staff. However, the allowance shall not be admissible when such vacation spell, including all kinds of leave, cover the whole calendar Month(s).

(g) **During suspension:** As a Government employee under suspension is not required to attend office, he/she is not entitled to Transport Allowance during suspension where suspension covers full calendar month(s). This position will hold good even if the suspension period is finally treated as duty. Where suspension period covers a calendar month partially, Transport Allowance payable for that month shall be reduced proportionately.

(Authority:- Railway Board's letter No. PC-V/2017/A/TA/1 dated 03.08.2017: RBE No. 81/2017)

(xx) **Additional Allowance to Running Staff:** The additional allowance to under mentioned running categories will be payable as per rates given below:

Category	Rate
Loco Pilot Mail/Express	Rs. 2,250/- per month
Loco Pilot Passenger/Motorman	Rs. 1,125/- per month
Guard Mail/Express	Rs. 1,125/- per month
Loco Pilot Goods	Rs. 750/- per month
Sr. Passenger Guard	Rs. 750/- per month

**Note:** Dearness Allowance will be payable on this allowance. However, it will not count for pensionary benefits.

(Authority:- Railway Board's letter No. PC-VII/2017/I/7/5/5 dated 10.08.2017: RBE No. 85/2017)

This allowance is also admissible to Loco Pilots (Mail) and Loco Pilots (Passenger) drafted to perform the duties of Power Controller/Crew Controllers.

(Authority:- Railway Board's letter No. E(P&A)II-2008/RS-31 dated 5.3.2010)

(xxi) **Tenure Allowance to Officers posted in Board and RDSO-**

Officers of Organised Group 'A' Railway Services on their posting as Deputy Directors, Joint Directors and Directors in the office of Railway Board and RDSO will be entitled to draw their basic pay plus Tenure Allowance on the terms and conditions as stipulated below subject to review/modifications, if any, on Deputation (Duty) Allowance.

- (1) The posting will be subjected to a prescribed tenure, on the expiry of which they will be reverted to field posts in Zonal Railways/Production Units and Construction Organisations.
- (2) Officers of non-Railway organised Group 'A' services on their appointment to the posts of Deputy Directors/Joint Directors/Directors in the Railway Board Secretariat will be entitled either to get their pay fixed in the applicable cell in Pay Matrix in appropriate level or to draw basic pay plus Tenure Allowances as applicable to Railway organised Group 'A' Services officers.
- (3) Tenure Allowance will be paid at the rate of 10% of their basic pay subject to a ceiling of Rs. 9000/- per month w.e.f. 1<sup>st</sup> July, 2017.
- (4) The allowance will not be paid beyond the normal tenure of three years for Deputy Directors, four years for Joint Directors and five years for Directors.
- (5) No Tenure Allowance will be admissible to the officers of the services posted as Executive Directors and above.
- (6) This allowance shall not be admissible to those Deputy Directors/Joint Directors/Directors who are given extension or re-employment after superannuation.
- (7) In cases where the tenure posting is a post with a lower Level of pay, the pay of the officer going to such a post will be filled in the tenure post as per extant rules.
- (8) Basic Pay in the revised pay structure means the pay drawn in the prescribed Level in the Pay Matrix but does not include any other type of pay like Special Pay etc.

(Authority: Railway Board's letter no. PC-VII/2017/I/7/5/6 dated 4.12.2017: RBE No. 181 & 182/2017)

**(xxii) Flag Station Allowance –**

Abolished w.e.f. 1<sup>st</sup> July, 2017 and will now be governed by Extra Work Allowance.

(Authority Railway Board's Letter No. E(P&A)I-2017/SP-1/Genl-1 dated 05.09.17 RBE- 121/2017)

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(xxiii) **Special Level Crossing (LC) Gate Allowance to Track Maintainer-**

Special Level Crossing (LC) Gate Allowance to Track Maintainers deployed for manning any of the Engineering Gates, to be paid as per cell R3H3 of the Risk and Hardship Matrix. The rate of this allowance will be Rs. 1000/- per month upto level 8 in Pay Matrix (VII CPC) and Rs. 1200/- per month for level-9 and above in Pay Matrix (VII CPC)

Conditions stipulated in RBE No. 87/2017 & 110/2017 shall apply.

The gateman eligible for this allowance will continue to get their Risk and Hardship Allowance also. Special LC Gate Allowance however will be paid only for the period the Track Maintainer remains actually posted as Gateman.

(Authority:- Railway Board's letter No. E(P&A)I-2017/SP-1/CE-1 dated 30.08.2017:RBE No. 110/2017)

(Authority: Railway Board's letter No.PC-VII/2017/I/7/5/4 (Pt.) dated 6.3.2018: RBE No. 34/2018)

(xxv) **Cycle (Maintenance) Allowance:**

Cycle (Maintenance) Allowance at the rate of Rs. 180/- per month is admissible w.e.f. 1<sup>st</sup> July,2017 subject to following conditions:

(A) The official concerned maintains and uses his own cycle for official journeys.

(B) Travelling Allowance (i.e. daily and mileage allowance) to a Government servant in receipt of Cycle (Maintenance) Allowance under these orders will be regulated as under:

i. For journeys within a radius of 8 kilometres from the usual place of duty.	No T.A.
ii. For journeys beyond a radius of 8 Kms. But not exceeding 16 Kms. from the place of duty.	
(a) If the destination point falls within the local jurisdiction.	No T.A.
(b) If the destination point falls outside the local jurisdiction.	T.A. admissible under normal rules provided the journey is performed otherwise than on a cycle.
iii. For journeys beyond a radius of 16 Kms. from the usual place of duty.	T.A. admissible under the normal rules.

(C) The allowance will not be admissible for the calendar month(s) wholly covered by leave, training, or temporary transfer.

(D) For any period of more than one month at a time during which a Railway servant in receipt of Cycle (Maintenance) Allowance does not maintain a cycle, or the cycle maintained by him remains out of order or is not used for official journeys for any other reason, the Cycle (Maintenance) Allowance will not be admissible.

(E) Cycle (Maintenance) Allowance shall be granted for a period not exceeding two years at a time. It shall be reviewed sufficiently in advance of the expiry of such period. The Allowance may be sanctioned with reference to the post and not to the individual incumbents.

(Authority:- Railway Board's letter No. F(E)I/2017/AL-7/1 dated 11.08.2017: RBE No. 93/2017)

(xxvi) **Tough Location Allowance :**

1. The Special Compensatory (Remote Locality) Allowance, Special Compensatory (Bad Climate) Allowance, Special Compensatory (Scheduled/ Tribal Area Allowance) and Sunderban Allowance have



been subsumed in Tough Location Allowance and payable to Railway employees at the rates as under w.e.f 1<sup>st</sup> July,2017:

S.No.	Name of the Allowance	Category	Cell Name	Pay Level in Pay Matrix	Rate per month (in Rs.)
1.	Special Compensatory (Remote Locality) Allowance				
	i. Special Compensatory (Remote Locality) Allowance Places covered under Part-A & B (Annexure I & II)	Tough Location Allowance-I	R3H1	Level 9 and above Level 8 and below	Rs. 5300 Rs. 4100
	ii. Special Compensatory (Remote Locality) Allowance Places covered under Part-C (Annexure III)	Tough Location Allowance-II	R3H2	Level 9 and above Level 8 and below	Rs. 3400 Rs. 2700
	iii. Special Compensatory (Remote Locality) Allowance Places covered under Part-D (Annexure IV)	Tough Location Allowance-III	R3H3	Level 9 and above Level 8 and below	Rs. 1200 Rs. 1000
2.	Bad Climate Allowance	Tough Location Allowance-III	R3H3	Level 9 and above Level 8 and below	Rs. 1200 Rs. 1000
3.	Tribal Area Allowance	Tough Location Allowance-III	R3H3	Level 9 and above Level 8 and below	Rs. 1200 Rs. 1000
4.	Sunderban Allowance	Tough Location Allowance-III	R3H3	Level 9 and above Level 8 and below	Rs. 1200 Rs. 1000

- These rates shall increase by 25% whenever the Dearness Allowance payable on the revised pay structure goes up by 50 percent.
- The term 'Pay Level' in the revised pay structure means the 'Level in the Pay Matrix'.
- In respect of those employees who opt to continue in their pre-revised pay structure/Pay scales, the corresponding Level in the Pay Matrix of the post occupied on 01.01.2016 as indicated in Railway Services (Revised Pay) Rules, 2016 would determine the allowance under these orders.
- Sunderban Allowance, categorized as tough Location Allowance-III, shall be admissible to the Railway employees working in Sunderban areas of Dampier Hodge's line, namely, Bhagatush Khali (Rampura), Kumirmari (Bagna), Jhinga Khali, Sajnakhall, Gosaba, Amlamathi (Bidya), canning, Kuitali, Piyall, Nalgaraha, Raidighi, Bhanchi Pathar Paratima, Bhagabatpur, Saptamukhi, Namkahana, Sikarpur, Kakdwip, Sagar, Mausini, Kalinagar, Haroa, Hingaganj,

Basanti, Kuemarim Kultola, Ghushghata (Kulti) area. The allowance shall be admissible only upto the period for which the Government of West Bengal continues to pay this allowance to its employees.

6. Scheduled/Tribal Area Allowance and Bad Climate Allowance, categorized as Tough Location Allowance-III, shall be admissible only in those States where Scheduled/Tribal Area Allowance and Bad Climate Allowance are admissible and shall be discontinued in those States where it has been discontinued for the State Government employees with effect from the date(s) of such discontinuance.
7. In the event of a place falling in more than one category, the higher rate of Tough Location Allowance will be applicable.
8. Tough Location Allowances shall not be admissible along with Special Duty Allowance. However, employees have the option for continuing Special Compensatory (Remote Locality) Allowance at old rates of 6<sup>th</sup> CPC, where it was admissible, along with Special Duty Allowance at revised rate of 10% of Basic Pay.
9. Employees may exercise their option to choose either Hard Area Allowance which is admissible along with Island Special Duty Allowance or one of the Special Compensatory Allowance, subsumed under Tough Location Allowance as mentioned in Para 1 above.

(Authority:- Railway Board's letter No. F(E)I/2017/AL-4/5 dated 11.08.2017: RBE No. 91/2017)

**(xxvii) Out of Pocket Allowance:**

Discontinued w.e.f. 1<sup>st</sup> July, 2017

(Authority: Railway Board's letter No. 2016/E(Sports)/RSPB/10(2)/9 dated 8.9.2017: RSPB- 04/2017)

**(xxviii) Kit Maintenance Allowance:**

Subsumed in Dress Allowance ( Railway board's letter no. PC-VII/2017/I/7/5/7 dated 03.10.2017: RBE- 141/2017)

**(xxix) Dress Allowance**

Uniform related allowances i.e. Kit Maintenance Allowance, Shoe Allowance, Uniform Allowance and Washing Allowance have been subsumed into a single Dress Allowance and payment of Dress Allowance to the categories of employees at the rate as listed below is admissible:

S.No.	Category of employee	Rate (in Rs.)
1.	Officers of RPF/RPSF	20,000/- per annum
2.	Personnel below Officer Rank of RPF, Station Masters of Indian Railways Public Prosecutor/Asstt. Public Prosecutor (RBE 199/2018)	10,000/- per annum
3.	Other categories of staff who were supplied Uniforms and are required to wear them regularly like Trackmen, Running Staff of Indian Railways, Staff Car Drivers, MTS, Canteen Staff of Non- Statutory departmental Canteens, etc.	5,000/- per annum
4.	Nurses	1,800/- per month

These rates are effective from 01.07.2017.

Note: 1. Uniform related allowances for maintenance and washing of uniforms, shoe allowance etc. will no longer be payable.

2. With the payment of Dress Allowance , categories of staff who were earlier being provided Uniforms, will henceforth not be provided with Uniforms.

3. The amount of Dress Allowance shall be credited to the salary of entitled employees directly once a year in the month of July.

4. This allowance covers only the basic uniform of the employees. Any special clothing like the fluorescent clothing provided to Trackman will continue to be provided as per existing norms.

5. The rates of Dress Allowance will go up by 25% each time Dearness Allowance rises by 50 %.

(Authority:- Railway Board's letter No. PC-VII/2017/1/7/5/7 dated 3.10.2017: RBE No. 141/2017)

**(xxx) Charge Allowance :**

Abolished w.e.f.1<sup>st</sup> July, 2017.

(Authority: Railway Board's letter No. PC-VII/2017/1/7/5/8 dated 8.8.2019: RBE No. 127/2019)

**(xxxi) Additional Post Allowance :**

Acting Allowance & Dual Charge Allowance is abolished and the eligible employees will be governed by Additional Post Allowance w.e.f. 1<sup>st</sup> July, 2017, which will be administered as under :

- (a) An employee formally appointed to hold full charge of the duties of a higher post, in addition to the duties of his own post, will be entitled to draw the pay that would be admissible to him if he was appointed to the higher post on regular basis OR 10% of his present Basic Pay per month, as Additional Post Allowance , whichever is more beneficial, provided the sum total of his Basic Pay and Additional Post Allowance does not exceed the Apex Pay i.e. Rs. 2,25,000/-.
- (b) An employee formally appointed to hold full charge of the duties of a post on similar level as his own post, in addition to the duties of his own post, will be entitled to draw 10% of his present basic pay per month, as Additional Post Allowance provided the sum total of his basic pay and Additional Post Allowance does not exceed the Apex pay.
- (c) No Additional Post Allowance should be paid to an employee who is appointed to hold current charge or the routine duties of an additional post, irrespective of the duration of the current charge.
- (d) The allowance will be admissible only if the duration of additional charge exceeds 45 days.
- (e) This arrangement cannot continue for a particular vacant post for more than one year, and for a particular employee for more than six months at a stretch. In addition there shall be a minimum gap of one year between two successive appointments of a particular employee.
- (f) Additional Post Allowance will not be granted to an employee for holding additional charge of lower post.

(Authority: Railway Board's letter No. F(E)Spl./2009/FR/1/3(7<sup>th</sup> CPC) dated 5.9.2018: RBE No. 128/2018 )

**(xxxii) Deputation (Duty) Allowance:**

The Deputation (Duty) Allowance admissible shall be governed by the details given in para 2023.

(Railway Board's letter No.F(E)II/2017/DE/1/2 dated 26.12.2017 , RBE 202/2017)

It is admissible only up to the fifth year, if the deputationist has opted to draw deputation (duty) allowance.

(Railway Board's letter No.2010/F(E)II/1(1)/1 dated 19.06.2017; RBE 58/2017)

**(xxxiii) Family Planning Allowance:**

Abolished w.e.f.1<sup>st</sup> July,2017. Family Planning Allowance, as admissible hitherto, shall cease to exist in all cases. (Railway Board's letter No.PC-V/2017/A/FPA/1 dated 28.7.2017; RBE No. 77/2017)

**(xxxiv) Special Compensatory (Hill Area) Allowance:**

Abolished w.e.f 1<sup>st</sup> July, 2017.

(Railway Board's letter No. F(E)I/2017/AL-4/3 dated 10.08.2017; RBE No. 90/2017)

**(xxxv) Out-turn Allowance:**

Abolished w.e.f 1<sup>st</sup> July, 2017. (Railway Board's letter No. E(P&A)I-2017/VII CPC/AL-1 dated 28.11.2017; RBE No. 176/2017)

**(xxxvi) Hospital Patient Care Allowance (HPCA) and Patient Care Allowance (PCA) :**

It shall be admissible only to existing eligible Group 'C' and Level-I (Non-Ministerial) Railway employees as per R1H3 of the newly proposed Risk and Hardship Matrix (Rs. 4100 for level 8 and below and Rs. 5300 for level 9 and above)

1. The revised rates of HPCA and PCA shall be admissible w.e.f. 1<sup>st</sup> July, 2017.
2. Allowance is admissible subject to conditions contained in Board's letter dated 9.1.2008.
3. These orders would be subject to any modification after issue of instructions by the Nodal Ministry i.e. Ministry of Health & Family Welfare.
4. Those in receipt of HPCA/PCA are not eligible for grant of Risk Allowance.
- 5.

(Authority: Railway Board's letter No. E(P&A)II-2017/AL-3 dated 30.1.2018: RBE No. 15/2018, E(P&A)II-98/HW-6 dated 9.1.2008: RBE No.1/2008 & E(P&A) I/ 2017/ SP-1/AD-1 dated 01.03.2018: RBE No 32/2018.)

**(xxxvii) Risk Allowance:**

The specified categories of staff as given in Annexure to RBE No 32/2018 are eligible for Risk Allowance at the rate of Rs. 135/- per month w.e.f. 1<sup>st</sup> July, 2017.

Note: The categories who are in receipt of HPCA/PCA are not eligible for grant of Risk Allowance.

(Authority: Railway Board's letter No. E(P&A)II-2017/AL-3 dated 30.1.2018: RBE No. 15/2018)

(Authority: Railway Board's letter No. E(P&A)I-2017/SP-1/AD-1 dated 1.3.2018: RBE No. 32/2018)

**(xxxviii) Night Duty Allowance (NDA);**

The hourly rate of NDA shall be equal to [ Basic Pay + Dearness Allowance/200] which would be admissible to eligible categories of non-gazetted Railway servants classified under chapter XIV of the Railway Act, 1989 read with the Railway Servants (Hours of Work and Period of Rest) Rules, 2005 for work put in during the period from 2200 hrs to 0600 hrs.. The rate should be worked out separately for each employee.

Weightage of 10 minutes for every hour of duty performed between the hours of 22:00 and 6:00 hrs will be given.

(Authority: Railway Board's letter No. E(P&A)II-2017/HW-1 dated 8.3.2018: RBE 36/2018)

**(xxxix) Study Allowance:**

Abolished w.e.f. 1<sup>st</sup> July, 2017.

(Railway Board's letter no. 2011/F(E)III2(2)/3 dated 14.5.2018: RBE 68/2018)

**(xxxx) Special Allowance for announcing work:**

Abolished w.e.f. 1<sup>st</sup> July, 2017.

(Railway Board's letter No. E(P&A)I-2015/SP-1/Gen-1 dated 14.12.2018 ;RBE No 195/2018)

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## CHAPTER – 15

### OVERTIME AND RUNNING ALLOWANCES FOR NON-GAZETTED RAILWAY SERVANTS

1501.	Circumstances for grant of overtime and running allowances
1502.	Definition of Overtime allowance
1503.	Classes of staff entitled to get overtime allowance
1504.	Obligation to pay overtime allowance under the Factories Act, 1948
1505.	Payment of overtime allowance to workmen not covered under rule 1503 or 1504
1506.	Consolidated monthly overtime
1507.	Definition of Running allowance and categories of running staff
1508.	Types of allowances admissible to running staff
1509.	Kilometrage allowance
1510.	Allowance in lieu of Kilometrage
1511.	Breach of Rest Allowance
1512.	Special compensatory allowances
1513.	Officiating Allowance
1514 -1515	Running allowance to the Loco Inspectors
1516.	Allowances for Loco Pilots drafted to perform the duties of Crew Controllers /Power Controllers/Traction Loco Controllers

**1501.** The rules governing the grant of overtime and running allowances and the circumstances under which they are granted, are described in this chapter.

#### Section I- Overtime allowance

**1502.** Overtime allowance is an allowance paid to railway servants for actual time worked in excess of the hours of employment prescribed by any law or rule.

**1503.** Railway Servants (Hours of Work and Period of Rest) Rules, 2005 specify the classes of staff in respect of which a railway administration is under an obligation to pay overtime allowance when such staffs are called upon to work in excess of the number of hours prescribed under the said Regulations.

**(Railway Bd's Authority Letter No. E(LL)2001/HER/9, New Delhi Dated: 09-08-2005 / RBE No: 131/2005)**

**1504.** (1) A railway administration is also under an obligation to pay overtime allowance to staff (other than those who hold positions of supervision or management or are engaged in a confidential capacity) who are employed in such workshops or printing presses as have been declared to be factories under the Factories Act, 1948, when they are required to work in excess of the number of hours prescribed in that Act.

**(2) (deleted)**

**1505.** Workmen employed in printing presses, workshops and sheds, who are not entitled to overtime allowance under rule 1503 or 1504 above, may at the discretion of the General Manager and subject to such terms and conditions as he may prescribe, be granted an overtime allowance for the actual time for which they are called upon to work in excess of the normal working hours, or for Sundays and holidays when they are called upon to work on such days.

**1506. Consolidated monthly overtime.** --In lieu of payment for actual overtime worked, staff referred to in rule 1505 may, at the discretion of the General Manager, be granted a consolidated monthly allowance, if, due to the nature of their duties, they are generally required to work overtime for the greater part of the month and the calculation of actual overtime worked is either inconvenient or undesirable.

## **Section II- Running and other allowances to running staff**

**1507.** 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 “Kilometrage allowance” or “allowance in lieu of Kilometrage” but excludes special compensatory allowances. This allowance is paid on the Kilometrage basis calculated at the rates specified per hundred kilometers.

The term “running staff”, in this Section, shall refer to railway servants of the classes mentioned below: -

<b>LOCO</b>	<b>TRAFFIC</b>
1. Loco Pilots (including Motormen and Rail Motor Drivers; 2. Loco Pilots (Shunting) 3. Asst. Loco Pilot (Diesel / Elec) 4. Second Firemen.	1. Guards

**1508.** Types of allowances.- In addition to the overtime allowance under rule 1502, the types of allowances that are admissible to running staff are as follows:--

- (a) A “Kilometrage allowance” while employed on running duties;
- (b) An “allowance in lieu of Kilometrage” while employed on specified “non-running duties”;
- (c) “Breach of rest allowance”;
- (d) “Special compensatory allowances” to meet out-of-pocket expenses incurred at out-stations;
- (e) “Officiating allowance” when undergoing duties in higher grades of running staff or “stationary appointments”.
- (f) “Waiting Duty Allowance” for performance of specified waiting duties;
- (g) “Shunting duty allowance” for performance of Shunting enroute.

**1509.** Kilometrage allowance may be paid to the running staff at the rates specified from time to time, when employed on:-

- (a) “Running duties”;
- (b) “Specially arduous running duties” which comprise duties for working: -
  - (i) Slow moving trains, e.g. transship road vans and shunting trains (pick-up or section) and those working on ghat sections;
  - (ii) Department trains, e.g., ballast, material, breakdown and relief rains;
  - (iii) Trial engines.
- (c) “Less arduous duties” for example, learning the road, traveling as a passenger on duty before or after working a train.

**1510. Allowance in lieu of Kilometrage --**

(1) When, in the interest of railway service, the running staff are required to perform non-running duties, they are eligible for the grant of allowance in lieu of Kilometrage at the rates specified from time to time.

(2) The instances in which the grant of “allowance in lieu of Kilometrage” is recognized, are enumerated below, e.g.- Journeys on transfer, joining time, attending enquiry/law courts on railway business, attending departmental enquiries as Defence Counsel or witness, volunteer duty in connection with the Territorial or other similar forces that may be constituted by Government, meetings of Railway institutes, Staff Benefit Fund and for attending the meetings of Railway Cooperative Societies in cases where Special Casual Leave is granted for doing so, Scouting activities and Civil Defence, undergoing Sterilization operation under Family Planning Scheme, appearing in Hindi examination, Guards booked on escort duty of insured parcels on trains, Loco Pilots and Firemen when kept spare for a day or two for examining and cleaning engines thoroughly before being deputed to work special trains for VIPs, attending first-aid classes, undergoing training ~~in~~ for refresher and promotion courses, participating in recognised athletic contests and tournaments provided the staff concerned are on special casual leave, attending meetings as representatives of labour organizations, periodical meetings with Divisional Officers, Head of Departments and the General Managers, medical and departmental examinations, staff rendered surplus due to change in traction, or any other duty performed in emergencies specially declared as duty conferring the grant of this allowance.

**(Authority: Railway Board's letter No. E(P&A)II-2005/RS-11 dated 20.06.2005)**

**1511. Breach of Rest Allowance.--**(i) (A) With effect from 1.8.81, Breach of Rest Allowance shall be granted to the Running Staff (other than those excluded in terms of Clause B below) who work a train to an outstation and return to their headquarters and are detailed for running duty;

(a) before completion of 16 hours rest at headquarters when the total period of duty immediately before the rest was for 8 hours or more, and

(b) before completion of 12 hours rest at headquarters when the total period of duty immediately before the rest was for less than 8 hours.

(B) Breach of Rest Allowance shall not be admissible to Running Staff manning suburban services or on shunting duty.

(ii) The allowance shall be payable as Overtime Allowance under **Railway Servants (Hours of Work and Period of Rest) Rules, 2005** at the rate of 2 hours for every hour by which rest falls short of the prescribed hours of rest; periods of less than half an hour being neglected and those of half an hour or more being rounded off to one hour on each occasion of breach of rest.

(Authority:- Railway Board's letter No. E(P&A)II/90/FE-2/3 dated 14.06.91& 15.04.91)

**1512. Special compensatory allowances. --**Special compensatory allowances at specified rates are granted to the running staff to meet out-of-pocket expenses incurred at outstations, in the following circumstances, viz.,

(i) **Allowance in lieu of Running Room facilities-** When running room facilities are not provided;

(ii) **Outstation (Detention) Allowance-** When staff are detained at out-stations for more than 15 hours from the time they sign off duty;

(iii) **Accident Allowance -** When trains are held up at any station, other than headquarters of the staff concerned, due to an accident, for a period exceeding 8 hours; and

(iv) **Outstation (Relieving) Allowance:-** When the running staff are deputed to work temporarily at stations outside their headquarters.

Grant of each of these allowances is governed by a specified set of conditions.



### **1513. Officiating Allowance.—**

(i) This allowance will be regulated as under:--

- (a) "When running staff are put to officiate in a "running post" for 30 days or less, they shall be entitled to pay as admissible in the lower grade plus Running Allowance at the rates and on the condition applicable to the higher grade in which they officiate enhanced by 15% (except in the case of Second Firemen put to officiate as First Firemen and Engine Cleaners put to officiate as Second Firemen for whom the enhancement will be by 30%) of the kilometrage actually performed for every such higher grade."

(Authority Board's letter No. E(P&A)II/2016/RS-40 dated 20.02.2019).

- (b) When running staff are put to officiate in a 'running' post for more than 30 days, their pay in the higher post will be fixed under the normal rules.
- (c) When officiating in a stationary post for more than 30 days, their pay will be fixed on the basis of their pay in the lower post plus 30 % thereof representing the pay element of the running allowance.
- (d) when the running staff are sent to an outstation to officiate in higher posts, allowance shall be paid for a period of 14 days only.

### **Section III - Allowances for Chief Loco Inspectors and Chief Loco Inspectors (CCC/CPRC/CTLC).**

**1514.** Running allowance shall be admissible to the Loco Inspectors drawn from the loco Running Staff for the performance of duties directly connected with the training and monitoring of loco running staff on foot plate of the locomotive cab of the moving trains.

#### **1515. Types of allowances:**

1. The Chief Loco Inspectors shall be paid:
  - a. Kilometrage Allowance (KMA) for actual Kilometrage travelled on foot plate while employed on foot plate duties indicated in Rule 1514 above. KMA shall be paid at the rate applicable to Loco Pilot (Mail/Express) as notified from time to time.
  - b. Allowance in lieu of Kilometrage (ALK) at the rate of 160 Kilometers per day while employed on other than foot plate outside their headquarters beyond a radius of 8 kilometers.
  - c. ALK at the rate of 120 kilometers per day for other than footplate duties performed in the Headquarter or within a radius of 8 Km. from the Headquarters.
  - d. Where the Chief Loco Inspectors are deployed for foot plate duties indicated in Rule 1514 for part of the day and for other than foot plate duties in the moving train or at outstation for the remaining part of the day, the payment of KMA/ALK shall be made either in terms of (a) or (b) above, whichever is higher.
  - e. The CLIs who are posted as CLIs (CCC, CPMC & CLTC) would get ALK of 120 Km. per day at the rate applicable to a Loco Pilot (Mail/Express) for stationary duties in the HQ and within a radius of 8 kms. ALK of 120 Kms. would be payable for all days in a month without any deduction on the non-working days.
2. No TA/DA or any other special allowance shall be admissible unless specifically sanctioned by Railway Board.

### **Section IV - Allowances for Loco Pilots drafted to perform the duties of Crew Controllers/Power Controllers/ Traction Loco Controllers.**

#### **1516.**

1. Allowance in lieu of Kilometrage (ALK) of 120 kilometers shall be admissible to Loco Pilots drafted to perform the duties of Power Controllers/Crew Controllers/Traction Loco Controllers at the rates applicable to them and would be payable for all days in a month without any deduction on the non-working days.

2. No TA/DA or Special Pay shall be admissible to the Loco Pilots drafted to perform the duties of Power Controllers/Crew Controllers/Traction Loco Controllers.
3. No other special allowance shall be admissible unless specifically sanctioned by the Railway Board.  
(Authority Board's letter No. E(P&A)II/2009/RS-17 dated 03.07.2019, ACS No. 64)

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# CHAPTER 16

## TRAVELLING ALLOWANCE RULES

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## Section I—General

### **1601. Extent of application.**—The rules in this chapter apply to—

- (1) All railway servants other than those who have been permitted to be governed by the rules of the ex-Company Railways as amended from time to time;
- (2) Officers of the Indian Audit and Accounts Service holding temporarily posts under the administrative control of the Railway Board; and
- (3) All employees of the railway Audit Department, except that the authorities specially empowered shall exercise powers under these rules.

NOTE 1. -- In accordance with the above rules, the term “Indian Audit and Accounts Service” should be substituted for “Railway Services, Group A” wherever they have to be applied in the Railway Audit Department.

NOTE 2. —The term “Administrative Medical Officer of the State” and “ authorised medical attendant” should be read for “Chief Medical Officer of the Railway” and “Railway Medical Officer” respectively, wherever they occur in this Chapter in so far as the Railway Audit Department is concerned.

### **Audit Instructions**

Rules applicable in respect of claims to travelling allowance -- A Government servant’s claim to travelling allowance should be regulated by the rules in force at the time journey, in respect of which it is made, was undertaken.

**1602.** (1) For the purpose of admissibility to Travelling Allowance, entitlement of Railway servants will be based on the pay level in 7<sup>th</sup> CPC Pay Matrix.”

(Authority: Railway Board’s letter No. F(E)I/2017/AL-28/41 dated 24.08.2017).

(2) Where a railway servant is promoted or reverted or is granted an increased rate of pay with retrospective effect, no revision of claims for travelling allowance is permissible, in respect of the period intervening between the date of promotion or reversion or grant of increased rate of pay, and that on which it is notified, unless it is clear that there has been an actual change of duties.

NOTE.-- In the case of late authorisation/drawal of increments with retrospective effect, other than those higher increments were withheld or where the increments take an officer above the stage of efficiency bar, there is no objection to the supplementary claims relating to Travelling Allowance, if any, being admitted, on the basis of the enhanced pay including the increments.

**1603.** (1) Deleted.(Authority: Railway Board’s letter No. F(E)I/2008/AL-28/15dated 1.12.2008).

2. Non-Practicing Allowance will not be reckoned as Basic Pay for computing Composite Transfer Grant.

(Authority: Railway Board’s letter No. F(E)I/2017/AL-28/41 dated 24.08.2017)

## Section II - Different kinds of travelling allowance

### **1604. Different kinds of travelling allowance.**—The following are the different kinds of travelling allowance:—

- (1) Permanent or consolidated travelling allowance.
- (2) Conveyance allowance.
- (3) Mileage allowance.
- (4) Daily Allowance.
- (5) Actual cost of travelling.

### **Section III - Permanent or consolidated travelling allowance**

**1605.** (1) A permanent monthly traveling allowance may be granted by the Ministry of Railways to any railway servant whose duties require him to travel extensively. Except as provided in sub-rules (3) and (5), such an allowance shall be in lieu of all other forms of travelling allowance for journey within the railway servant's sphere of duty and may be drawn all the year round whether the railway servant is absent from his headquarters or not. For journeys by rail on the open line, a railway servant in receipt of permanent travelling allowance shall be granted passes under the Railway Servants (Pass) Rules, 1986.

(2) The General Manager of an Indian Railway may also sanction a permanent travelling allowance to a railway servant, subject to the following conditions-

(a) No such allowance shall be granted unless the railway servant has to be absent from his headquarters on duty for more than 20 days in a month on the average.

(b) The allowance must be so fixed as not to be a source of profit and shall be so calculated as to be equivalent ultimately to the travelling allowance admissible under the rules if no permanent travelling allowance were granted.

(c) Adequate arrangements shall be made by the Head of the Department or the Immediate superior of the person drawing the allowance to see that the necessary amount of touring is performed.

(3) A permanent travelling allowance shall not be drawn during leave, temporary transfer, or joining time or, unless otherwise expressly provided in the rules in this chapter, during any period for which travelling allowance of any other kind is drawn.

(4) When a railway servant holds either substantively or in an officiating capacity, two or more posts to each of which such permanent travelling allowance is attached, he may be granted such permanent travelling allowance, not exceeding the total of all the allowances, as the competent authority may consider to be necessary in order to cover the travelling expenses which he has to incur.

#### **Railway Ministry's decision**

(1) No deduction shall be made from the amount of consolidated travelling allowance for the days of casual leave an employee avails of in a month. However, the possible spell of casual leave an employee is likely to avail of in a month shall be taken into account while fixing the quantum of consolidated travelling allowance.

(2) In cases, where the staff go on tour on the basis of a roster, the amount of C.T.A., in such cases should be fixed on the basis of the number of days an employee is likely to be out of headquarters on tour as per the roster.

(3) When a railway servant in receipt of permanent travelling allowance travels on duty by Road, Steamer or Air with proper sanction beyond his sphere of duty, he may draw appropriate Travelling allowance for the entire journey, including such part of it as within his sphere of duty and may draw in addition permanent travelling allowance for any day of his absence for which he does not draw travelling allowance. This rule does not apply to a railway servant who travels beyond his sphere of duty in the course of a journey from one place within that sphere to another such place, or to a railway servant who makes, by road alone, a journey not exceeding 32 kms.

#### **Section IV – Conveyance allowance**

**1606. Conveyance allowance.** --(1) A competent authority may grant on such conditions as it thinks fit to impose, a monthly conveyance allowance to any railway servant who is required to travel extensively at or within a short distance from his headquarters under conditions which do not render him eligible for daily allowance.

(2) Except as otherwise provided in the rules in this chapter or directed by the sanctioning authority, a conveyance allowance may be drawn all the year round, shall not be forfeited during absence from headquarters, and may be drawn in addition to any other travelling allowance admissible under the rules in this chapter, provided that a railway servant, who is in receipt of a conveyance allowance specifically granted for the upkeep of a motor car or motor cycle, shall not draw mileage or daily allowance for journey by a motor car or motor cycle except on such conditions as the sanctioning authority may prescribe.

(3) A conveyance allowance may be drawn during leave or temporary transfer, or holidays prefixed or suffixed to leave or joining time.

(4) **Motor Car/Motor Cycle/Scooter/Allowance.**—A railway servant who maintains a private motor car or a motor cycle/scooter and uses it in the performance of his official duties, may, at the discretion of the General Manager of an Indian Railway, be granted a motor car or a motor cycle/scooter allowance at the scale shown below provided that the General Manager is satisfied that it is necessary in the interest of the railway administration for him to travel by motor car or motor cycle/scooter frequently on duty:--

	FIXED CONVEYANCE ALLOWANCE	
Average Monthly Travel on Official Duty	For Journey by Own Motor Car	For Journeys by other Modes of Conveyance
(1)	(2)	(3)
201-300 km	1680	556
301-450 km	2520	720
451-600 km	2980	960
601-800 km	3646	1126
>800 km	4500	1276

(Authority: Railway Board's letter No. F(E)I/2017/AL-4/3 dated 10.08.2017)

NOTE-1: These rates shall automatically increase by 25% whenever the Dearness Allowance payable on the revised pay structure goes up by 50%."

(Authority: Railway Board's letter No. F(E)I/2017/AL-4/3 dated 10.08.2017)

NOTE 2.- In calculating the mileage travelled, only the journeys performed on duty within a radius of 8 kilometers from Headquarters shall be taken into account and journeys from residence to Office or vice-versa shall not be considered as journeys on duty.

NOTE 3.- The average monthly mileage shall be checked and certified by the Accounts Officers before the allowance is sanctioned.

The conditions for the grant of this allowance shall be as follows:-

- (i) The conveyance allowance at the rates prescribed in column 2 of the above table shall not be admissible to officers whose pay in the revised scale is less than Rs.2800/- p.m. There shall be no pay limit for the grant of allowance at the rates specified in column 3 of the above Table.
- (ii) The conveyance allowance will be determined for specific posts on the basis of "controlled traveling (see (iii) below) by the sanctioning authority and the officers appointed to these posts will draw the same unless the mode of conveyance is different subject to the satisfying the prescribed conditions. Where there are a number of posts in the same category, the post(s) for which the allowance is intended should be clearly identified in the sanction and the rate for each such post should be clearly stated.
- (iii) The log books should be scrutinized by the sanctioning authority for determining the average mileage per month justified for official work for the post and the rate of conveyance allowance should be fixed on that basis. The conveyance allowance so fixed should be reviewed every two years. Accordingly the sanctions for grant of conveyance allowance should be issued for periods of two years at a time.
- (iv) For initial fixation of conveyance allowance, a Railway servant claiming allowance should be required to maintain a log book of journey on duty qualifying for the grant of conveyance allowance for a minimum period of 3 months. The controlling officer shall scrutinize the log book as frequently as possible during this period. The book shall contain: -
  - (a) The distance travelled daily on official duty.
  - (b) Place visited with distance covered and purpose of such visit.
  - (c) Mode of conveyance maintained/used.

Once the amount of conveyance allowance is fixed and sanctioned, it will not be necessary for an officer to maintain the log book for the purpose of drawing the allowance from month to month unless the controlling officer specifically desires it to be maintained. The allowance may be drawn for the currency of the sanction so long as the controlling officer is satisfied that there has been no change in the nature of the duties of the Railway servant or the extent of his touring to justify the withdrawal of or a reduction in the rate of allowance. A certificate to this effect should be endorsed by the controlling officer in the pay bills of the Railway servant concerned for the months of January, April, July and October in each year. He will also countersign the pay bills for these months. The review to be conducted at the end of two years should be made in accordance with the procedure laid down for the initial grant of an allowance.

- (v) In the case of Gazetted Officers, on change or incumbency of a post to which conveyance allowance is attached, an intimation should be sent by the Controlling Officer to the Accounts Officer to the effect that the new incumbent possess a conveyance (with particulars thereof) or does not possess a conveyance, as the case may be, to enable the Accounts Officer to authorize conveyance allowance at the appropriate rate to the new incumbent.
- (vi) If a Railway servant travels by road in his own conveyance beyond a radius of 8 kms. either in combination with the rail steamer/air journey or otherwise, he may at his option exchange his conveyance allowance at the rate of 1/30<sup>th</sup> for each day for any traveling allowance i.e. daily allowance and/or mileage allowance admissible to him under the rules.
- (vii) A Railway servant in receipt of conveyance allowance should not normally use staff car for journeys within his local jurisdiction. If, however, he is permitted by a competent authority to use a staff car for journeys within his jurisdiction, recoveries should be made from the officer at the rates laid down under the Staff Car Rules. If the journey is beyond the radius of 8 kms. of the headquarters, the officer will be allowed daily allowance and or mileage allowance admissible under the rules subject to the following deductions being made therefrom-
  - (a) Full charge for the use of staff Car calculated under Staff Car rules.
  - (b) Deduction at 1/30<sup>th</sup> of the monthly rate of his conveyance allowance
- (viii) If the motor cycle or motor car/scooter is out of order or is not used for any other reason for more than 15 days at a time, no allowance shall be admitted for the period in question.
- (ix) These orders do not apply to railway doctors for whom separate orders have been issued by the Railway Board for grant of conveyance allowance.

#### **Railway Ministry's decision**

### **Bicycle allowance**

- (a) A General Manager may grant cycle allowance at Rs.180/- per month to railway servants who are required to travel extensively at or within a radius of 8 kms. from headquarters, provided that a cycle is maintained for the purpose by the staff and utilized in the performance of official duties.

The admissibility of Cycle (Maintenance Allowance) will be subject to the following conditions:-

- (A) The official concerned maintains and uses his own cycle for official journeys.
- (B) Travelling Allowance (i.e. daily and mileage allowance) to a Government servant in receipt of Cycle (Maintenance Allowance) under these orders will be required as under:-

(i) For journeys within a radius of 8 kilometres from the usual place of duty.	No T.A.
(ii) For journeys beyond a radius of 8 Kms but not exceeding 16 Kms. from the place of duty.	

(a)	If the destination point falls within the local jurisdiction.	No T.A.
(b)	If the destination point falls outside the local jurisdiction.	T.A. admissible under normal rules provided the journey is performed other-wise than on a cycle.
(iii)	For journeys beyond a radius of 16 Kms. from the usual place of duty	T.A. admissible under the normal rules

(C) The allowance will not be admissible for the calendar month(s) wholly covered by leave, training, or temporary transfer.

(D) For any period of more than one month at a time during which a Government servant in receipt of Cycle (maintenance) Allowance does not maintain a cycle or the cycle maintained by him remains out of order or is not used for official journeys for any other reasons the Cycle (maintenance) Allowance will not be admissible.

The Cycle (maintenance) Allowance under these orders shall be granted by the sanctioning authority for a period not exceeding two years at a time and its continuance shall be reviewed sufficiently in advance of the expiry of such period. The sanctioning authority may for this purpose, specify whenever necessary the local jurisdiction of a Government servant at the time of sanctioning the allowance. They should also make a review of the posts under their control and decide the posts for which the Cycle (maintenance) Allowance should be sanctioned. The Allowance may be sanctioned with reference to the posts and not to the individual incumbents.”

(Authority: Railway Board’s letter No. F(E)I/2017/AL-7/1 dated 11.08.2017)

**1606. (A).** Actual cost of traveling. –Except as expressly PROVIDED IN THE RULES IN THIS Chapter, no railway servant shall be entitled to be provided with a means of conveyance at the expense of railway revenues or to draw as traveling allowance the actual cost or the part of actual cost of traveling.

**1606. (B).** Any proposal for the grant of a conveyance allowance or of conveyance hire otherwise than in accordance with these rules shall require the previous sanction of the Railway Board.

**1606. (C).** (1) Railway servants employed on lines under construction whose duties require them to travel extensively shall ordinarily be granted a monthly consolidated travelling allowance at such rate and at such conditions as the Ministry of Railways may prescribe in each case.

(2) Where, however, the conditions prescribed in Rule 1605(2) are satisfied, a General Manager may sanction the consolidated travelling allowance.

(3) For the use of push trolley, or motor trolley, certain deductions will be made from such consolidated travelling allowance as may be prescribed by the Ministry of Railways.

NOTE.-A ‘day’ should be taken of 10 working hours, and half of it as ‘half day’.

(4) Such Railway servants as are not granted consolidated travelling allowance under this rule shall draw ordinary traveling allowance.

(5) For journey on duty by rail or open line, such railway servants who are receipt of monthly consolidated travelling allowance shall, in addition, be granted pass/es under this rule.

## Section V - Mileage allowance

**1607.** (1) Mileage allowance shall be admissible only for journeys by road.

(2) Mileage allowance shall be calculated by the shortest of two or more practicable routes, or by the cheapest of such routes as may be equally short; provided that the Head of Department or Divisional Railway Manager may, for special reasons which should be recorded, permit mileage allowance to be calculated by a route other than the shortest or cheapest if the journey is actually performed by such route.

(3) If a railway servant travels by a route which is not the shortest but cheaper than the shortest, his mileage allowance shall be calculated on the route actually used.



Note.-(1) The short route is that by which the traveller can most speedily reach destination by the ordinary modes of travelling. In case of doubt, the Head of Department may decide which shall be regarded as the shortest of two or more routes.

(2) In calculating mileage allowance for journeys by road, fraction of the kilometer should be omitted from the total of a bill for any one journey but not from the various items which make up the bill.

(4) A railway servant is required to travel by the class of accommodation for which traveling allowance is admissible to him. If a railway servant travels in a lower class of accommodation, he shall be entitled to the fare of the class of accommodation actually used. In cases, however, in which the Controlling Officer is satisfied that there were sufficient reasons for the railway servant to have travelled by the lower class, he may allow the full mileage allowance admissible for the higher class.

5. The entitlements for journeys by road, on tour, are as follows:-

(i) At places where specific rates have been prescribed:

Pay Level in Pay Matrix	Entitlements
14 or above	Actual fare by any type of public bus including AC bus OR At prescribed rates of AC taxi when the journey is actually performed by AC Taxi OR At prescribed rates for auto rickshaw for journeys by auto-rickshaw, own car, scooter, motor cycle, moped etc.
6 to 13	Same as above with the exception that journeys by AC taxi will not be permissible
4 and 5	Actual fare by any type of public bus other than AC bus OR At prescribed rates for auto rickshaw for journeys by auto-rickshaw, own car, scooter, motor cycle, moped etc.
3 and below	Actual fare by ordinary public bus only OR At prescribed rates for auto rickshaw for journeys by auto-rickshaw, own car, scooter, motor cycle, moped etc.

(ii) At places where no specific rates have been prescribed either by the Directorate of Transport of the concerned State or of the neighboring states (these rates will further rise by 25% whenever DA increases by 50%)

For journeys performed in own car / taxi	Rs. 24/- per Km.
For journeys performed by auto-rickshaw own scooter, etc	Rs. 12/- per Km.

(Authority: Railway Board's letter No. F(E)I/2017/AL-28/41 dated 24.08.2017)"

(iii) For journeys performed by auto-rickshaw/taxis under the prepaid charges system managed by local Police/Airport Authority/State Transport Authority in Metropolitan Cities. Reimbursement of fare as determined by the Government agencies"

(Authority: Board's letter No. F(E)I/2004/AL-28/6 dated 23.7.2004) **ACS No.-54**

NOTE-1: Employees in pay level below level-6 in Pay Matrix are not entitled to travel by taxi or taking a single seat in a taxi. If they travel by taxi/own car, for whatever reason, they will be reimbursed only the actual charge limited to the rates prescribed by the Dte. of Transport for autorickshaw."

(Authority: Railway Board's letter No. F(E)I/2017/AL-28/41 dated 24.08.2017)

NOTE-2: Journeys performed by autorickshaw/tonga/cycle-rickshaw/man-driven rickshaw may be equated to those performed by scooter/motor cycle and road mileage may be allowed accordingly, For journeys on bicycle/foot, the road mileage will be at the rate of **Rs.1.20** per kilometer.

(Authority: Railway Board's letter No. F(E)I/2008/AL-28/14 dated 1.12.2008 and 23.04.2009 )

NOTE-3: As actual bus fare is admissible under these orders, there will be no increase in the above rates of road mileage in the case of journeys performed in hill tracks.

(Authority: Railway Board's letter No.F(E)I/98/AL-28/9 dated 24.4.1998 &12.3.99)

Note-4: The rate for Mileage allowance for road journey by taxi/own car/auto rickshaw/own scooter/tonga/cycle rickshaw/man-driven rickshaw/ bicycle/foot shall automatically increase by 25% whenever Dearness allowance payable on the revised pay structure goes up by 50%."

(Authority: Railway Board's letter No. F(E)I/2017/AL-28/41 dated 24.08.2017).

**1608.** The point in any station at which journey is held to commence or end is the railway station, provided that a journey on transfer shall be held to begin and end at the actual residence of the railway servant concerned.

#### **Government of India's decisions**

(1) A Railway servant who resides away from his headquarters, will, on transfer, be eligible for transportation charges for personal effects at prescribed rates from his residence to the nearest Railway Station at the old headquarters and from the Railway Station to the actual residence at the new headquarters.

(Authority:- Railway Board's letter NoF(E)I/98-AL-28/10(A)dated 1.5.98)

(2) In admitting Travelling Allowance claims, the mileage between the two stations as indicated in the 'Railways Fare & Time Tables' should be adopted.

(3) In cases of claims where the distance between the places shown in the Fare & Time Table is exactly 8kms., although the actual distance as shown in the 'Working Time Table' between the same places exceeds 8 kms., the Travelling Allowance claimed should be passed with reference to the actual distance shown in the Working Time Table.

(4) In the case of employees proceeding on tour, road mileage at the prescribed rates will be admissible from duty point/residence at Headquarters to railway station/airport/bus stand and vice-versa depending upon the points between which journey is performed and between the Railway Station/Airport/Bus-stand and the duty point at the outstation.

(5) Road Mileage Allowance in terms of Govt. of India's Decision No. (4) above will be admissible only if the amount is actually spent by the Railway servant while performing journey on duty. Railway servants who are given Free Residential Card Passes/monthly Season tickets/Railway Passes to perform the journey from their residence to their headquarters station, will not be entitled to any Road Mileage Allowance when they perform a journey on duty on the Free Residential Card Pass/Monthly Season Ticket/Railway Pass etc. They will, however, be eligible for the Daily Allowance as admissible under the Rules.

(Authority:- Railway Board's letter No. F(E)I/92/AL-28/4 dated 18.2.93)

(6) For determining the 'duty point' the following provisions may be observed: -

(i) Duty point at the headquarters will mean the place or office where a railway servant remains on duty i.e. the place/office of employment at the headquarters.

(ii) At outstations the 'duty point' shall be taken to be the place/office visited by the railway servant on duty. Where there are two or more such points at an outstation, the following shall be taken as the 'duty point': -

- (a) If the railway servant reaches that station by rail, sea or air, the point which is farthest from the Railway Station, harbour or jetty or the airport as the case may be, and
- (b) If he reaches that station by the road, the point which is farthest from the point where the journey to that station commenced.
- (iii) The General Manager may fix 'duty point' at the Zonal Headquarters office in consultation with the FA&CAO and if necessary they may also consult the Accountant General, headquartered at the Zonal Headquarters of the Railway. The 'duty point' may also be fixed for the Divisional Headquarters and other offices by the General Manager in accordance with the above guidelines.
- (iv) Road-mileage will be admissible only when the Government vehicle is not provided when a railway servant is proceeding on tour/duty.

## **Section VI - Daily allowance**

**1609. Definition.**--A daily allowance is a uniform allowance for each day of absence from headquarter, which is intended to cover ordinary daily charges incurred by the Railway servant in consequence of such absence.

**1610.** Unless in any case it be otherwise expressly provided in these rules, a daily allowance may be drawn while on tour by every railway servant whose duties require that he should travel, and may not be drawn except while on tour.

**1611. Rates of daily allowance.**--Daily Allowance is admissible for journeys on tour at the following rates, when a Railway servant stays in Government/Public Sector Guest Houses or makes his own arrangements.

7 <sup>th</sup> CPC Level	Entitlement
14 and above	Rs. 1200
12 and 13	Rs. 1000
9 to 11	Rs. 900
6 to 8	RS. 800
5 and below	Rs. 500

Daily Allowance rates will go up by 25% every time the DA goes up by 50%.  
(Authority: Railway Board's letter No. F(E)I/2017/AL-28/40 dated 08.08.2017)

**1612.** Rule 1612 & Notes 1,2 & 3 Deleted (Authority: Railway Board's letter No. E(P&A)II-2008/HRA-10 dated 12.9.2008 and F(E)I/2008/AL-28/14 dated 1.12.2008)

NOTE - (4) On day(s) when the Railway servant on tour is provided with free board and lodging, he will draw  $\frac{1}{4}$  D.A. for that (those) day(s). If he is provided with only free board, he will draw  $\frac{1}{2}$  D.A. for that (those) day(s). If he is provided with only free lodging, he will draw  $\frac{3}{4}$  D.A. for that (those) day(s). The reduction has to be effected from the D.A. relatable to halt at an outstation.

Provided that when a Railway servant on tour is provided accommodation in Railway Rest House or Railway Retiring Room, no deduction may be made from the quantum of Daily allowance admissible to him for halt at the outstation. (Authority:- Railway Board's letter No. F(E)I/89/AL-28/10 dated 20.7.90)

**1613.** Deleted (Authority: Railway Board's letter No. E(P&A)II-2008/HRA-10 dated 12.9.2008 and F(E)I/2008/AL-28/14 dated 1.12.2008)

**1614.** (1) Daily allowance may be drawn by a railway servant who is not in receipt of a permanent travelling allowance on any day on which he proceeds on tour beyond a radius of 8 kms. from his headquarter or returns to his headquarter from a similar distance.

(2) Daily allowance as in sub-rule (1) would be admissible even if the place of temporary duty falls in the same municipality as (or in a municipality contiguous to) that in which the railway servant's Headquarter is situated and the term

‘radius of 8 kms.’ should be interpreted as meaning a distance of 8 kms. by the shortest practicable route by which a traveller can reach his destination by the ordinary modes of travelling.

(3) The headquarters of a railway servant belonging to the category of gangmen, keymen and mates, for the purpose of Daily Allowance should be the hut or the place where the tool box is kept.

### **Government of India’s decision**

A person, who uses a cycle supplied at the expense of Government for taking dak to offices situated beyond the radius of 8 kms. from his headquarter, may draw daily allowance of his grade, if the journey involves an absence of at least one night from his headquarter, but he may not exchange it for mileage allowance.

These orders applies in the case of all the messengerial staff, irrespective of whether in the course of their normal duties, they are allowed to use of departmental cycle or Government jeeps/cars, or any other Government conveyance.

**1615.** Full daily allowance will be granted for each completed day of absence from the headquarters reckoned from mid-night-to mid-night i.e. for each calendar day for the day of departure from his headquarter or return to his headquarter or when the journey commences and ends on the same calendar day, the railway servant shall be granted under-mentioned proportion of the daily allowance:-

- (i) If absence from headquarter does not exceed 6 consecutive hours..... 30% of the daily allowance.
- (ii) If absence from the headquarter does not exceed 12 consecutive hours.....70% of the daily allowance.
- (iii) If absence from the headquarter exceeds 12 consecutive hours.....full daily allowance.

If the period of absence from the headquarter falls on two calendar days, it shall be reckoned as two days, even when the absence does not exceed 24 hours, and the daily allowance for each day shall be granted separately in terms of the above.

NOTE. --Each spell of absence from Headquarters shall constitute a complete journey and daily allowance allowed separately in respect of it. The total daily allowance allowed for journey performed on any calendar day shall, however, be subject to a maximum of the full daily allowance admissible for each completed day of absence from mid-night to midnight.

**1616.** Deleted.(Authority: Railway Board’s letter No. E(P&A)II-2008/HRA-10 dated 12.9.2008 and F(E)I/2008/AL-28/14 dated 1.12.2008)

**1617.** (1) Daily allowance may be drawn during a halt on tour including holidays and Sundays occurring during the tour period, provided a railway servant is actually and not merely constructively in camp.

(2) A railway servant who takes casual leave/restricted holiday on tour is not entitled to draw daily allowance for the period of such leave. A railway servant who takes casual leave for half a day while on tour may draw only half of the normal daily allowance of that day.

**1618.** Daily allowance admissible at a place outside railway servant’s headquarters while on tour where board or lodging are not provided shall be as follows:-

- (a) First 180 days                                      fully daily allowance
- (b) Beyond 180 days                                      Nil

NOTE.--(1) In cases where prolonged stay is envisaged beyond 180 days, appropriate course would be to issue necessary transfer orders.

(2) For the purpose of grant of daily allowance, halt at an outstation shall be treated as continuous one for the entire period of stay irrespective of any absence from the place of halt for any number of days/nights.

### **Section VII - Travelling allowance for journeys on tour**

**1619.** Except where otherwise expressly provided in these rules, a Railway servant not in receipt of permanent traveling allowance, draws traveling allowance for journeys on tour in the shape of daily allowance.

**1620.** The period of absence from Headquarters begins when a railway servant leaves his Headquarter station and ends when he actually returns to the place in which his Headquarters are situated whether he halts there or not. When a train arrives less than 15 minutes late, the time recorded in the Railway Time-table shall be taken as the time of arrival of the train for the purpose of this rule.

#### **Railway Board's Decision**

The time spent by journeys by road from Headquarters Office to the station/air-port when a railway servant actually leaves his Headquarters shall not be included.

**1621.** The Headquarters of General Managers and Heads of Departments directly under the Ministry of Railways shall be at such place as the Ministry of Railways may prescribe. The Headquarters of other Railway servants shall be prescribed by the General Managers or the Heads of Department concerned.

**1622.** Leaving jurisdiction.-(1) No railway servant is entitled to pay and allowance for any time beyond the limits of his charge without the proper authority.

(2) A Controlling Officer may allow any railway servant subordinate to him to proceed on duty to any station within the limits of the Railway although such station may be beyond the limits of his charge and to draw traveling allowance under rules.

**1623.** The Head of Departments may define the limits of the sphere of duty of a railway servant.

**1624.** The railway servant shall be deemed to be on tour when absent on duty from his Headquarters either within, or with the sanction of the Controlling Officer, beyond his sphere of duty. For the purpose of this Section, journey to a hill station is not a journey on tour.

#### **Government of India's decision**

The following terms regarding traveling allowance, daily allowance and lodging may be granted to the railway servant who may be deputed to accompany the visiting foreign delegation/VIPs as Liaison Officer, etc:-

- (a) For journeys by rail, the accompanying railway servant will, as far as possible, be issued a duty pass of the class to which he is normally entitled under the rules. He may also be allowed to travel by air-conditioned accommodation along with the members of the delegation, if considered absolutely necessary, with prior sanction of the Railway Ministry.
- (b) For journeys by road and by air, the accompanying railway servant may wherever necessary travel by road and/or by with members of the delegation/VIPs.
- (c) **Allowances for incidental expenses on journeys/daily allowance for journey time**--No daily allowance for the days of travel would be admissible to the accompanying railway servant. His expenses on food in transit and other essential incidental expenses e.g. porter charges, will, however, be met from Government funds as for members of the delegation/VIPs.
- (d). **Board and lodging arrangements at outstations and daily allowance for halts**--The accompanying railway servant should, wherever possible, make his own arrangements for board and lodging at an outstation, in which case he may draw the daily allowance, admissible to him under the normal Rules. Where, however, it is considered absolutely necessary that he should stay in the same Hotel as the members of the delegation/VIPs, accommodation appropriate to his status may be arranged for him in that Hotel. In such cases, the accompanying railway servant would be entitled to daily allowance at ¼th of the normally applicable rate if both board and lodging have been provided at Government expense in that Hotel, and at one half of such rate, if only either board or lodging has been provided to him at Government expense.

- (e) Board and lodging arrangements, and daily allowance for period of stay of the delegation/VIPs at the headquarters of the railway servant--Railway servants, attached to visiting foreign delegations/VIPs will not be permitted to partake of board and/or lodging arrangements made for the delegation at the headquarters of the railway servant nor will any daily allowance be admissible to them at that place.

The above terms are applicable only to such of the accompanying railway servants in respect of whom Railway Board certify that for sufficient reasons it was necessary for them to accompany the delegation/VIPs.

**1625.** A Head of Department may decide when a doubt arises whether a particular absence, is absence on duty for the purpose of Rule 1624. (Authority:- Railway Board's letter No. F(E)I/2008/AL-28/14 dated 01.12.2008)

NOTE.--(1) The General Manager may grant traveling allowance for the period of journeys as well as halts to a railway servant attending a Camp of exercise of the Indian Territorial Force if, during the period, he performs substantial amount of his railway duties in addition to the military duties.

(2) Travelling allowance under the Rules in this Section may be allowed to a member of the relieving staff including staff utilized for relieving purposes when sent out of his headquarter to relieve a railway servant who has proceeded on casual or unrecorded leave. The rate of daily allowance will, however, be based on the pay level of the staff in their own grade and not on their officiating pay.

(Authority: Railway Board's letter No. F(E)I/2017/AL-28/41 dated 24.08.2017).

**1626.** A competent authority may impose such restrictions as it may think fit upon the frequency and duration of journeys to be made on tour by railway servant or class of railway servants.

**1627.** Railway servants performing duties directly connected with the charge of moving trains are not entitled to traveling allowance under the Rules in this Section but to running allowance under the Rules laid down in Chapter XV.

**1628.** If an authority not lower than a General Manager declares that the pay of a particular railway servant (or class of railway servants) has been so fixed as to compensate for the cost of all journeys within his sphere of duty, such a railway servant shall draw no traveling allowance for such journeys, though he may be granted a free pass for a journey by rail or Railway steamer or mileage allowance for journey by non-Railway steamer. When traveling on duty, with proper sanction, beyond his sphere of duty, he may draw traveling allowance under the ordinary rules for the entire journey including such part of it as is within his sphere of duty.

**1629.** When a railway servant not in receipt of a permanent or consolidated traveling allowance makes a journey on tour by an open line of a railway, he shall be entitled to-

- (a) a free pass under the pass rules; and
- (b) a daily allowance

**1630.** (1) When a railway servant makes a journey by road on tour, he is entitled to the following traveling allowances:-

- (a) **Road mileage.** --- as prescribed in sub rule (5) of Rule 1607.
- (b) **Daily allowance.** --- as prescribed in Rule 1615.
- (c) **Toll tax.** --- as prescribed in Rule 1640.

NOTE.--(1) When two or more railway servants travel in a conveyance belonging to one of them, the owner may draw traveling allowance as if he traveled alone and the other railway servant or servants may draw daily allowance at the appropriate rates applicable to them.

(2) Where free transport is provided, only daily allowance will be admissible as if the journey is by railway.

(3) The road mileage allowance admissible for journey performed by sharing the hire charges or by taking a single seat in a taxi, scooter etc. will be the actual share of the hire charges limited to the amount calculated at half of the rates admissible for taxi/auto rickshaw in terms of Rule 1607.

(2) When a railway servant performs a journey by road between stations connected by rail, he may be granted traveling allowance as in sub-rule (1) above, if the Head of Department in the case of gazetted railway servant and Divisional Railway Manager in the case of non-gazetted railway servant is satisfied that the journey by road was necessary in the interest of railway service, such as saving of public time or inspection of work enroute etc.

(3) Divisional Railway Managers may permit Gazetted Officers working under them to undertake journeys by road between stations connected by rail in the following types of cases-

- (i) Journeys for surprise inspection of level crossing gates;
- (ii) Journeys in connection with accidents and breaches;
- (iii) Journeys for surprise checks at stations in the nature of raids by road against ticketless travel etc;
- (iv) Surprise checks of station and staff with the safety aspect in view; and
- (v) making arrangements concerning ticket checking by special squad.

(4) If the performance of journey by road is not in the interest of railway service, the railway servant concerned may be granted only such daily allowance as would have been admissible, had the journey been performed by rail.

**1631. Conveyance hire at outstation.**--Ministry of Railways may, by general or special orders, permit any railway servant or class of railway servants to draw the actual cost of hiring a conveyance on a journey for which no traveling allowance is admissible under these rules.

NOTE.--(1) Non-gazetted railway servants on tour may be granted in addition to any other traveling allowance that may be admissible, reimbursement of bonafide charges on account of conveyance hire incurred by them for the discharge of their duties subject to the following conditions :-

- (i) that the concession is limited to journeys performed in visiting offices at a considerable distance from each other or from the railway station or in attending Court as a witness on behalf of the Government.
- (ii) that the amount does not exceed the charges which would be payable for the ordinary means of conveyance available in the locality and suitable to the position of the railway servant concerned; and
- (iii) that no mileage allowance is drawn for the journey for which the conveyance is engaged.

(2) Individual cases where Gazetted railway servants are required to undertake multiple journeys at the tour stations or if they have to carry heavy records, may be considered on merits for reimbursement of bonafide conveyance charges subject to the following conditions:-

- (i) that this concession is limited to journeys performed for visiting offices at a considerable distance from each other or from the railway station or in attending Court as a witness or briefing the Government advocate on behalf of the Government;
- (ii) that the amount does not exceed charges which could be payable for the ordinary means of conveyance available in the locality and suitable to the position of the railway servant concerned. This power may be exercised by the Head of the Office concerned.

**1632. Road mileage at higher rates.**--Railway Board, may, for special reasons to be recorded, allow to a particular railway servant or class of railway servants, mileage allowance at a rate higher than that prescribed in Rule 1630.

**1633. Journeys by sea or river steamers.**--When a railway servant travels by sea/river steamers while on tour, he shall entitled to draw the actual fare (without diet charges) for journey by sea/river steamer (unless free passes are issued) and in addition, draw daily allowance for the entire absence from Headquarters starting with departure from Headquarters and ending with arrival at Headquarters, to cover both on-the-way expenses as well as expenses for halts at outstation.

**1634.** The entitlement for journeys by Sea or by River Steamer, on tour, is as follows:

- (i) For places other than A&N group of Islands and Lakshadweep Group of Island:

Pay level in Pay Matrix	Travel entitlement
9 and above	Highest Class
6 to 8	Lower class if there be two classes only on the steamer
4 and 5	If two classes only, the lower class if three classes, the middle or second class. If there be four classes, the third class
3 and below	Lowest class

- (ii) For travel between the mainland and the A&N Group of Islands and Lakshadweep Group of islands by ships operated by the Shipping Corporation of India Limited:

Pay level in Pay Matrix	Travel entitlement
9 and above	Deluxe class
6 to 8	First/'A' Cabin class
4 and 5	Second/'B' Cabin class
3 and below	Bunk class

(Authority: Railway Board's letter No. F(E)/2017/AL-28/41 dated 24.08.2017).

**1635. Journeys by rail combined with journeys by road/sea/river steamer.**--If a railway servant combines with a rail journey, a journey by road/steamer, he may draw the actual fare (without diet charges) in addition for the entire period of absence daily allowance would be admissible.

**1636. Journeys by air. –**

(1) A railway servant entitled/authorized to travel by air on tour will draw the actual fare for journeys by air and in addition, draw daily allowance for the entire absence from the Headquarters starting with departure from Headquarters and ending with arrival at Headquarters, to cover both on-the-way expenses as well as expenses for halts at outstation.

(2) Members of the Railway Board, General Managers and Officers of equivalent rank, may travel by air on tour at their own discretion. Officers of the rank of Executive Directors or Secretary may be permitted to travel by air with the specific sanction of the Member concerned in the Railway Board, and Heads of Departments on the Railways with the specific sanction of their General Managers, in consultation with their FA&CAOs.

(3) Every journey by air must, before it is undertaken, receive the sanction of the Railway Board or the General Manager of a Railway or the officer exercising the powers of a General Manager, as the case may be.

(4) Journeys by air should be permitted only in cases of extreme urgency or where saving the public time is essential. Each case of journey proposed to be performed by air, should be considered on its merits before it is sanctioned.

(5) When Members of the Railway Board and the General Managers of the Railways permit officers under their direct control to travel by air, they should invariably record the reasons why they considered travel by air to be essential.

(6) Officers below the rank of Executive Directors or Secretary in the Railway Board's office will not be permitted to travel by air save in exceptional circumstances and with the prior sanction of the Railway Board. On Railways, General Managers may permit officers in NFSAG/SG and below to travel by air on duty with the prior personal concurrence of PFA in exceptional circumstances subject to the following conditions:

1. These powers may be exercised only by General Managers and not by CAOs, and are not to be re-delegated further. However, CAO, COFMOW/New Delhi, DCW/Patiala and MTP/Chennai may also exercise these powers with the prior personal concurrence of PFA.



2. These powers are to be exercised personally by the General Managers with the prior personal concurrence of PFA.

3. Air travel will be permitted only in cases where the duration of the journey one-way is more than 12 hours by rail.

4. Each proposal regarding Air travel would require to be justified on merits. The competent authority while approving Air Travel would apply his mind and consider whether the available train connectivity and time taken justifies the same. General Manager while using his discretion to permit one way or two ways Air Travel may consider both the need of the journey and the urgency that necessitates Air Travel.”

(Authority: Railway Board’s letters No. F(E)I/2017/AL-28/41 dated 24.04.2018 and 08.05.2018 )

**Note:** In exceptional circumstances, General Managers are required to obtain prior sanction of the Railway Board to permit a Railway servant below Junior Scale Level officers to travel by air on duty.

(Authority: Board's letter No. 2017/Trans/01/Policy dated 18.10.2017)

#### **Air Travel entitlements for journeys on tour or training-**

##### **(7) Journey by Air within the Country-**

<b>Pay level in Pay Matrix</b>	<b>Travel entitlement</b>
Regular SAG & above level officers and CHOD*	‘J’/Business Class
Officers in NFSAG/SG & below	Economy Class

\*[Note: There should be specific Railway Board’s order regarding posting as CHOD]

(Authority: Railway Board’s letters No. F(E)I/2017/AL-28/41 dated 24.08.2017, 24.04.2018, 08.05.2018, 10.05.2018)

##### **( 8) Journey by Air (International)-**

<b>Pay level in Pay Matrix</b>	<b>Travel entitlement</b>
Officers in level-14 & above	Business/Club Class
Officers in Level-13 & below	Economy Class

(Authority: Railway Board’s letter No. F(E)I/2017/AL-28/41 dated 24.04.2018)

**1637. If a part of the journey is performed by air and part of it is performed by locomotion.**--A railway servant may draw in addition to the concession admissible under Rule 1636, traveling allowance admissible under the rules for the part of the journey performed by either means of locomotion. No traveling allowance may, however, be drawn in respect of surface transport which forms part of the air travel and is included in the fare paid for the air journey.

**1638.** A railway servant, who is not authorised to travel by air but who performs a journey by air, will draw only the traveling allowance which he would have been entitled to if he had traveled by rail/road/steamer.

NOTE.--If available, return tickets at reduced rates should always be purchased when the railway servant expects to perform the return journey by air within the period during which air return ticket is available.

**1639.** When return tickets are purchased, the actual cost of return ticket plus daily allowance is admissible.

**1640. Toll Tax.** --A railway servant who is required to proceed on duty to Nainital, Mussorie or Almorah is entitled to the Toll Tax charged by the Municipalities of those stations in addition to the traveling allowance ordinarily admissible to him under the rules subject to the condition that the State Government concerned reimburse the toll tax to its employees on tour/transfer.

### **Section VIII - Journeys at or near headquarters**

**1641.** (1) when a Railway servant, gazetted or non-gazetted, in Grade Pay Rs. 4600 (PB-2) & above and drawing pay not less than Rs. 18050 in the Pay Band (excluding Grade Pay) under Railway Services (Revised Pay) Rules, 2008, undertakes a journey on duty at or within a radius of 8 kilometres from his headquarters, he may be permitted to claim reimbursement of taxi hire/conveyance charges as follows:-

(Authority: Railway Board's letter No. F(E)I/2008/AL-28/42 dated 19.08.2010)

- (i) If a taxi is engaged/own car is used, the rate prescribed by the Director of Transport for taxi;
- (ii) If an auto-rickshaw is engaged/one's own motor cycle or own scooter is used the rates prescribed by the Director of Transport for auto-rickshaw.

**(2) Railway servants not entitled to engage a taxi in terms of Rule 1641 (1) may be permitted to claim conveyance hire as follows:-**

**(Authority: Railway Board's letter No. F(E)I/2008/AL-28/42 dated 19.08.2010)**

When an auto-rickshaw is engaged or own motor car/motor cycle/scooter is used, the rate prescribed by the Director of Transport for auto-rickshaw.

(3) The conveyance charges admissible for journeys performed by sharing the hire charge or by taking a single seat in a taxi/auto-rickshaw, will be the actual of hire charges limited to the amount calculated at half of the rates prescribed by the Director of Transport for taxi/auto-rickshaw.

(4) The total amount of taxi hire/(reimbursement of) conveyance charges drawn for journeys on a particular day, shall not exceed the rate of Daily Allowance applicable to the Railway servant for ordinary locality.

(5) The conveyance allowance/taxi hire shall not be granted in respect of journeys performed on a day on which a railway servant draws daily allowance unless the journeys are unconnected with journeys on tour.

(6) Taxi hire shall not be allowed to a railway servant in receipt of permanent traveling allowance or conveyance allowance of any kind.

(7) Deleted.(Authority:- Railway Board's letter No.F(E)I/99/AL-7/1 dated 26.3.99)

(8) Taxi hire shall not, in any circumstances, be allowed for journeys from residence to office or vice versa.

(9) A statement of taxi hire conveyance charges actually incurred shall be submitted by the Railway servant at the end of each month for sanction (and counter-signature) of the Head of his Department or office.

(10) The Rules do not apply to Railway doctors who draw conveyance allowance under different orders issued by the Railway Board.

### **Section IX - Transfer travelling allowance**

**1642.** (1) Travelling allowance shall not be drawn under the following rules by railway servant on transfer from one station to another unless he is transferred in public interest and is entitled to pay during the period occupied by the journey. A

transfer at his own request shall not be treated as a transfer in public interest unless the authority sanctioning the transfer for special reasons, which should be recorded, otherwise directs.

(2) When a railway servant is transferred otherwise than in public interest, a copy of the order of transfer shall be sent to the Accounts Officer who will be his disbursing Officer after such transfer with an endorsement stating the reasons for the transfer. In the absence of such endorsement, the Accounts Officer shall assume that the transfer is in public interest.

NOTE. --In the case of non-gazetted railway servant, a certificate from the Head of the office may be accepted in lieu of the orders prescribed in this sub-rule.

(3) The railway servants in transit from one post to another, ranks in the grade or class in which his tenure of the lower of the two posts would place him.

NOTE. --In partial relaxation of the above rule, when a subordinate railway servant travels to another station to officiate in a post in the superior or lower gazetted service or on reversion after officiating in such a post, he may, at the discretion of the General Manager, be granted transfer passes (for himself as well as for his family, dependant relatives if traveling with him and kit) of the class admissible in the higher post.

(4) A railway servant shall not be entitled to any traveling allowance if no change of residence is involved on his transfer.

### **Railway Board's decision**

(1) Government servant appointed to posts under the administrative control of the Ministry of Railways on the results of a competitive examination which is open to both Government servants and others may be granted joining time and joining time pay as under:

- (a) Joining time should ordinarily be permitted for all Government servants serving under the Central Government and for State Government servants who hold permanent posts in a substantive capacity;
- (b) no joining time pay should be granted except-
  - (i) When the Government servant holds a permanent post under Government (including State Government) in a substantive capacity; or
  - (ii) In the case of appointments through the Ministry of Home Affairs to the Ministerial Establishment of the Government of India Secretariat and attached or subordinate offices, when a candidate originally nominated to a vacancy likely to become permanent is nominated to another such vacancy owing to cessation of the former.

(2) Travelling allowance as on transfer under Railway rules should also be granted in cases where joining time pay is granted under Clause (b) of Decision No. 1 above.

(3) These orders shall apply also to a Government servant selected after an interview for an appointment to a post under Central Government.

(4) Central (including Railways)/State Government employees declared quasi permanent/provisionally permanent shall also be eligible to the concessions mentioned in the above decision. Government servants declared provisionally permanent/quasi permanent retrospectively but not w.e.f. a date prior to 7<sup>th</sup> April, 1955 will also be eligible to these concessions.

**1643.** The entitlements of a Railway servant for the journeys on transfer are as under: -

### **(A) ENTITLEMENTS FOR THE JOURNEYS BY VARIOUS MODES OF TRANSPORT**

#### **(1) Journeys by Air-**

Officers in Level-15 and above, while on transfer, may be entitled for air travel in 'J'/Business Class, at their discretion to join the new HQs. Officers in level 14 may also be permitted to travel by air with the approval of Competent Authority, subject to exigency and where joining at transfer station has to be effected with immediate effect. This is also subject to fulfillment of conditions as per Board's letter no. F(E)I/2003/AL-28/7 dated 16.9.2003. The air fare is, however, admissible for self only. No family member of any Railway servant is entitled to travel by air on transfer."

(Authority: Railway Board's letter No. F(E)I/2017/AL-28/41 dated 24.08.2017).

(2) **Journeys by Rail**--Free passes, as admissible under Schedule –I of Railway servants (Pass) Rules, 1986 may be issued to a railway servant and his family members.

(3) **Journeys by Road**--A Railway servant is not entitled to travel by road, between stations connected by rail. However, between the stations not connected by rail a Railway servant and his family members may travel by road. The entitlements for journeys by road will be same as admissible for the journeys on tour as indicated in sub-rule (5) of Rule 1607 under "Section –V – Mileage Allowance", of this Code. The actual admissible Road Mileage Allowance is indicated in Rule 1644.

## **(B) TRANSPORTATION OF HOUSE-HOLD EFFECTS**

(1) **Kit Passes**-- Railway servants may be issued Kit Passes for transportation of personal effects, between places connected by rail.

(2) Charges for transportation of personal effects between places connected by rail on transfer/retirement:

(i) If the transportation of personal effects is made by rail, the rates as under will be admissible for transporting personal effects from place of residence to the Railway Station at the Old headquarters and from Railway Station to the place of residence, at the new headquarters:

<b>Level</b>	<b>Rate for transport by road</b>
6 and above	Rs. 50/- per Km.
5	Rs. 25/- per Km.
4 and below	Rs. 15/- per Km.

These rates will further rise by 25% whenever DA increases by 50%. The claim for reimbursement shall be admissible subject to the production of actual receipt vouchers by the railway servants."

(Authority: Railway Board's letter No. F(E)I/2017/AL-28/41 dated 24.08.2017).

(ii) If the transportation of personal effects is made by road, reimbursement of actual expenditure by road limited to rates prescribed as in (i) above will be admissible."

(Authority: Railway Board's letter No.F(E)I/2011/AL-28/26 dated 14.02.2012)

**(3)** : The rates of transportation of personal effects by road between places connected by rail/not connected by rail would be the rates as prescribed in the table in Rule 1643 (B) (2).

(Authority: Railway Board's letters No. F(E)I/2008/AL-28/15 dated 29.12.2010 & No. F(E)I/2011/AL-28/26 dated 01.09.2011 & 14.02.2012)

## **(C ) TRANSPORTATION OF CONVEYANCE OF TRANSFER-**

A Railway servant may on transfer be issued a Pass for transportation of conveyance in terms of Schedule-I of Railway servants (Pass) Rules 1996.

Transportation of Conveyance on Transfer/settlement after retirement:

WHEN CONVEYANCE IS SENT UNDER ITS OWN PROPULSION

Between places connected by rail	Between places not connected by rail
Prescribed rates limited to expenditure on transportation by passenger train on rail.	Prescribed rates.*

WHEN CONVEYANCE IS SENT LOADED ON A TRUCK

Between places connected by rail	Between places not connected by rail
Actual expenses limited to prescribed rates or expenditure on transportation by passenger train on rail, whichever is less	Actual expenses limited to prescribed rates.*

\*Prescribed rates means, the rates notified by the concerned Directorate of Transport, for taxi and auto rickshaw, at the starting point, subject to a maximum of Rs.24/- for taxi and Rs.12/- for auto rickshaw as prescribed/revised from time to time.”

(Authority: Railway Board’s letter Nos. F(E)I/2011/AL-28/26 dated 01.09.2011 and. F(E)I/2017/AL-28/41 dated 24.08.2017).

**(D) COMPOSITE TRANSFER GRANT--**

**(I) TERMS AND CONDITIONS—**

A Railway servant will be entitled to a Composite Transfer Grant at the rates indicated in Part (II) below, subject to the following conditions:-

- (1) Composite Transfer Grant will not be admissible if there is no change in the residence of the Railway servant, as a result of transfer.
- 2) Composite Transfer Grant will not be admissible in case of a temporary transfer not exceeding 180 days.
- 3) Composite Transfer Grant will not be admissible if the transfer has been ordered at the request of a Railway employee. Nor will it be admissible in the case of a mutual transfer ordered at the request of the concerned employees.
- 4) In the absence of any positive mention in the orders of transfer that the transfer is at the request of the employee or that it is for a period less than 180 days, the transfer orders should be deemed to carry the sanction of the competent authority for payment of Composite Transfer Grant subject, however, to prescribed terms and conditions.
- 5) The Composite Transfer Grant, shall not be treated as income for the purpose of Computation of Income Tax being a part of Travelling Allowance admissible to a Railway servant, on transfer.
- 6) The facility of using Railway Labour for packing household kit on transfer, is not permissible.
- 7) The payment of Composite Transfer Grant need not be linked with the vacation of Railway Accommodation provided at the old headquarters. The Grant will be payable if the Railway employee makes some temporary arrangement for residence at his new headquarters.
- 8) In case of retirement of a Railway servant, no claim for Composite Transfer Grant will be entertained until and unless the retired Railway employee vacates the railway accommodation allotted to him.

- 9) Composite transfer Grant will not be payable to the retired Railway servant if he prefers to stay in the railway accommodation regularized in the name of any of his family members, after his retirement.
- 10) Composite Transfer Grant will, however, be payable if the retired Railway servant prefers to live away from his family members in whose name the Railway accommodation has been regularized. In such cases, the retired Railway Servant is required to submit documentary proof of his having changed the residence.
- 11) For claiming Transfer Grant, a Railway servant is required to submit documentary proof of his having performed the journey, etc.

## (II) QUANTUM OF COMPOSITE TRANSFER GRANT

- (a) The Composite Transfer Grant shall be paid at the rate of 80% of the last month's basic pay in case of transfer involving a change of station located at a distance of more than 20 kms. from each other. Further, NPA shall not be included as part of basic pay while determining entitlements of CTG. Payment of Composite Transfer Grant may be regulated as under:-

	On submission Of first transfer TA claim After joining at the new HQs	On submission of and transfer TA claim after transportation of personal effects by		Total
		V.P.U	Good Train/ Container	
(i) Railway servants who have joined railway service on or after 1.5.76	75% of admissible CTG		25% of admissible CTG	(i) Full admissible CTG, if personal effects are transported by goods train/container
		(i) 5% of admissible CTG, if car is carried in VPU alongwith personal effects		(ii) 80% of admissible CTG, if Car is carried in VPU
		(ii) Nil- if car is not carried in the VPU		(iii) 75% of admissible CTG, if Car is not carried in the VPU

(Authority: Railway Board's letter No. F(E)/2017/AL-28/41 dated 24.08.2017).

“NOTE: 1.The term ‘Same Station’ means area falling within the jurisdiction of the Municipality or Corporation including such of sub-urban Municipality notified area or cantonment as are contiguous to the same Municipality. For example, Railway servants transferred from Ghaziabad, Sonapat, Gurgaon, Faridabad etc. to Delhi and vice versa, shall be treated as transferred within the same station and they will be granted Composite Transfer Grant only at the rate of one-third of full admissible CTG.

- (b) In case of transfer to stations which are at a distance of less than 20 Kms. from the old station and of transfer within the same city, one third of the composite transfer grant will be admissible, provided a change of residence is actually involved.

(Authority: Railway Board's letter No. F(E)/2017/AL-28/41 dated 24.08.2017).

## (III) PROCEDURE FOR DRAWAL OF ADVANCE AND PAYMENT OF COMPOSITE TRANSFER GRANT

- (i) A Railway servant, upon receiving the orders of transfer, may apply for an Advance of Transfer Allowance as admissible which may be granted to him. No advance will however, be granted to any employee for settlement after retirement.
- (ii) After carrying out the orders of transfers, a Railway servant will submit his first transfer T.A. bill, within a period of 60 days from the date on which the journey is performed.
- (iii) The second transfer T.A. Bill, if any, may be preferred within a period of 60 days after transportation of his personal effects finally.

(Authority: Railway Board's letter No. F(E)I/2018/AL-28/29 dated 23.03.2018).

- (iv) Personal effects may be transported either one month before the date of transfer or within six months from the date of transfer. The period of one month/six months may be extended in individual cases attendant with special circumstances, with the approval of the Competent Authority.
- (v) In the case of Railway employees settling after retirement, the claim for full settlement of Composite Transfer Grant will be entertained only when the retired Railway employee has actually performed the journey/transported his personal effects finally and has submitted the necessary documentary proof therefore.
- (vi) DELETED... (Authority: Railway Board's letter No. F(E)I/2008/AL-28/15 dated 01.12.2008)

#### **(IV) QUANTUM OF ADVANCE**

The quantum of advance admissible on transfer to a serving Railway employee is as follows:-

**The quantum of advance admissible on transfer to a serving Railway employee is 75% of the admissible amount of Composite Transfer Grant.**

**(Authority: Railway Board's letter No. F(E)I/2008/AL-28/15 dated 01.12.2008)**

NOTE: (1) In addition to the Advance of TA on transfer as above, a Railway servant may also be granted an advance of pay equivalent to one month's salary, if he applies for it. This pay Advance is recoverable in three installments commencing from the month in which salary for a full month is drawn by the Railway servant.

(2) The drawl of Advance of TA on transfer as also Pay Advance should be recorded in the Last Pay Certificate of the transferred employee.

(3) The Advance of TA may be adjusted against first TA Bill on transfer submitted by the Railway servant.

(4) Advance of pay or TA on transfer will not be admissible to any Railway employee for settlement after retirement.

(V) Quantum of Composite Transfer Grant to the retired railway employees for settling at their home-town/any other declared or intended place

The quantum of Composite Transfer Grant admissible to a retired railway employee or to his/her family members, in the event of death of a railway servant, will be as admissible on transfer, in terms of part (II) above.

#### **Railway Ministry's Decisions**

Transfer Travelling Allowance in cases, where both husband and wife are in Government service and are transferred within 60 days of his/her transfer from the same place to the same place, shall not be admissible to the spouse transferred later. In cases where the transfer takes place within six months, but after 60 days of the transfer of the spouse, fifty per cent of the Transfer Grant on transfer shall be allowed to the spouse transferred later. No transfer grant shall be admissible to the spouse transferred later, in case both the transfers are ordered within 60 days. The existing provisions shall continue to be applicable

in case of transfer after a period of six months or more. Other rules precluding Transfer Grant in case of transfer at own request or transfer other than in public interest shall continue to apply unchanged in their case.

**(Authority: Railway Board's letter No. F(E)/2008/AL-28/15 dated 01.12.2008)**

**1644.** (1) DELETED...(Railway Board letter NO. F(E)/2010/AL-28/36 dated 23.05.13).

(2) DELETED...(Railway Board letter NO. F(E)/2010/AL-28/36 dated 23.05.13)

(3) Railway servants are entitled to Composite Transfer Grant on the same scale as admissible to them for journeys by rail. ....(Railway Board letter NO. F(E)/2010/AL-28/36 dated 23.05.13)

(4) DELETED...(Railway Board letter NO. F(E)/2010/AL-28/36 dated 23.05.13)

(5) Railway servants (whether they joined Railway service before 1-5-76 or, on or after 1-5-76) are eligible for transportation of personal effects by road between stations not connected by rail at the following scale:--

Pay range	Personal effects that can be carried
Rs.5100 and above	6000 Kgs.
Rs.2800 and above but less than Rs.5100	6000 Kgs.
Rs.1900 and above but less than Rs.2800	3000 Kgs.
Rs.1400 and above but less than Rs.1900	1500 Kgs.
Rs.1100 and above but less than Rs.1400	1500 Kgs.
Below Rs.1100	1500 Kgs

**1645. Travelling Allowance for short-distance transfers.--I.** For transfer within the same station:-

- (a) No traveling allowance is admissible if no change of residence is involved.
- (b) Deleted...(Railway Board letter NO. F(E)/2010/AL-28/36 dated 23.05.13)
- (c) Personal effects-Actual cost of transportation not exceeding the amount admissible under the rules.

NOTE (i) A Railway servant who has been transferred within the same station or to an outstation within 20 Kms. of the old headquarters, shall be granted Composite Transfer Grant at the rate of one-third of one month's basic pay, provided there is a change of residence, as a result of transfer.

(Railway Board letter NO. F(E)/2010/AL-28/36 dated 23.05.13)

(ii) The term 'same station' means the area falling within the jurisdiction of the Municipality or Corporation including such of sub-urban Municipality/notified area or Cantonment as are contiguous to the named municipality etc.

**II. For transfer between two stations.** --(a) No traveling allowance is admissible if no change of residence is involved.

- (b) If there is a change of residence as a result of transfer, full transfer travelling allowance will be admissible if the distance between the two stations exceeds 20 Kms.

(Railway Board letter NO. F(E)/2010/AL-28/36 dated 23.05.13)

NOTE. -The distance between stations will be taken from office to office. If there are alternate rail and road routes, the distance by each, should exceed 20 Kms. for eligibility to the transfer grant.



**1646.** (1) If a member of a Railway servant's family follows him within six months or precedes him by not more than one month, free passes under Rule 1643 and/or traveling allowance under Rule 1643 may be granted in respect of such member.

NOTE.--These time limits may be extended by the Railway Board in individual cases attendant with special circumstances. The powers in respect of extending the time limit of six months stipulated herein may also be exercised by:

- (a) General Manager or an Officer exercising the powers of General Managers.
- (b) Any officer to whom these powers are redelegated with the specific approval of the Railway Board; and
- (c) An Officer enjoying the powers of the Head of Department but is not under the control of either General Manager or an Officer enjoying the powers of a General Manager.

(2) If a member of a railway servant's family travels to the new station from a place other than the railway servant's old station within the time specified in sub-rule (1), free passes for the rail journey and actual fare for the journey made or the fare admissible from the old to the new station, whichever is less, for the journey by steamer, may be granted in respect of such member.

(3) If the family of a railway servant, in consequence of his transfer, travels to a station other than his new headquarters within the time specified in respect of sub-rule (1), a free pass for the rail journey and traveling allowance for other journeys, not exceeding the traveling allowance admissible between the old station and the new station, may be granted in respect of such family.

NOTE. --(1) The grade of a railway servant, for the purpose of the above rule, may be determined with reference to the facts on the date of transfer, while the number of passes or number of persons to be included in a free pass with reference to the facts on the date of the journey.

(2) The period of the one month or six months should be reckoned under sub-rule (3) from the date of the railway servant handing over charge at his old station and under sub-rule(1) & (2) from the date of his taking over charge at the new station.

**1647. Daily Allowance on Temporary Transfer.** --Daily allowance is admissible during temporary transfer as follows:-

- (i) First 180 days---Full Daily Allowance.
- (ii) Beyond 180 days---Nil.

**1648.** A railway servant who goes on leave not exceeding four months, after he has given over charge of his old post and before he has taken over charge of his new post, shall be entitled, whether the order for transfer is received before or after the commencement of his leave, to the concession admissible under this section, as for a journey from his old to his new post.

**1649.** (1) A railway servant who takes leave exceeding four months, while in transit from one post to another, may draw traveling allowance under this Section for so much of the journey as he has accomplished before the order granting his leave is received, in addition to the concession admissible under sub-rule (2) below.

(2) When on return from leave exceeding four months, a railway servant is stationed at a headquarter other than that at which he was stationed when he went on leave, he may be allowed the concession admissible under this section as for a journey from his old to his new station.

**1650.** A railway servant appointed to a new post while in transit from one post to another, is entitled to draw traveling allowance for so much of the journey on transfer as he has accomplished when he receives the first order, and for the journey from the place at which he receives such orders to his new station.

## **Section X – Travel of members of Railway Board by saloon**

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**1651.** (1) (a) A Member of the Railway Board, which term includes Chairman, Railway Board and the Financial Commissioner for Railways for the purpose of these rules, shall be entitled, when traveling on duty, to be provided with one standard Gauge Saloon for his exclusive use;

(b) When a Member is traveling in his saloon on a Gold Pass, his family (wife and children but no other dependents) may travel with him in the saloon free of charge;

(c) Any other persons except bonafide servants traveling with the Member, Railway Board, in his saloon, must pay the usual fare to the Railways by purchase of First Class tickets, and in every bill for traveling allowance in respect of a journey performed in a saloon, the Member must specify the number of such persons who traveled with him, and certify that necessary tickets were purchased by them.

(Authority:- Railway Board's letter No. F(E)1/89/AL-28/4 dated 7.7.89)

### **Section XI - Journeys to join first appointment in Railway**

**1652.** Except as otherwise provided in these rules, traveling allowance is not admissible to any person for the journey to join his first post in Railway service. When travelling allowance is drawn under Rules 1656 and 1657, the class of free pass and the rate of daily allowance and mileage will be those to which the Railway servant will be entitled after joining his posts.

**1653.** When a railway servant who is retiring from service or has been thrown out of employment owing to reduction of establishment or the abolition of his post, is reappointed to railway service, the authority which sanctions his reappointment may permit him to draw travelling allowance as on tour, for so much of his journey to join his new post as falls within India, but no Daily Allowance may be drawn for halts on the journey.

**1654.** Any person appointed by the competent authority from abroad to railway service in India may draw transportation expenses as may be decided by the said authority for a journey from his residence to any port in India at which with the permission of the said authority, he may disembark. He shall be entitled to draw travelling allowance, as on tour from that port to the station where he is posted.

### **Section XII - Journeys to hill station**

**1655.** A Railway servant who travels on duty to a hill station may draw traveling allowance during his absence as for a journey on tour. Such a railway servant shall, however, forfeit all claims to traveling allowance for journey and halt, other than permanent traveling allowance, if he prolongs his stay at the hill station beyond a period of ten days or the period necessary for the performance of the duty on which the journey is made whichever is less; provided that the Railway Board and, in respect of the staff under his control, the General Manager of an Indian Railway, may preserve the railway servant's claim to traveling allowance by

(a) sanctioning a halt in excess of ten days, and

(b) officially intimating that his presence was required on duty throughout the period or that he was permitted to extend his stay during holidays immediately following his period of duty.

(2) The Heads of Departments may exercise the power of a General Manager under this rule up to a maximum limit of 30 days.

#### **Government of India's Decision:**

The term holiday occurring in the above rule includes casual leave.

### **Section XIII - Journeys to attend examination**

**1656.** A railway servant is entitled to draw traveling allowance for the journeys to and from the place at which he appears for:

- (i) An obligatory departmental examination;
- (ii) In respect of military officer in railway employment, an examination for promotion in military rank.

Provided that

- (a) Traveling allowance shall not be drawn under this rule more than twice for any particular examination or standard of examination; and
- (b) A Head of Department may disallow travelling allowance under this rule to any candidate who, in his opinion;
  - (i) has culpably neglected the duty of preparing himself for an obligatory examination;
  - (ii) does not display a reasonable standard of proficiency in an examination which is not obligatory.

NOTE. --For the purpose of this rule, qualifying examination for promotion above Grade II in the Clerical Staff of the Accounts Department up to and including the rank of Sub-head and Qualifying Examination for Promotion to the rank of Accountants Inspectors of Station Accounts and Inspectors of Stores Accounts, shall be treated as obligatory examinations.

**1657.** Railway Board may permit a railway servant to draw travelling allowance for the journey to and from the place at which he appears for an examination other than those specified in Rule 1656.

**1658.** Traveling allowance for journeys under this section shall be calculated as for a journey on tour but no allowance shall be drawn for halts on the journey.

#### **Section XIV - Journeys when called for interview**

**1659.** A Government servant summoned for interview in connection with the filling of a Railway Post other than an advertised one, may at the discretion of the authority competent to fill the post, be granted return journey free passes of the appropriate class but shall not be granted any other kind of travelling allowance.

#### **Railway Ministry's decision**

This rule applies to the Government servant not employed on the Railway on which the post in connection with which he is summoned for interview is to be filled, or to Railway Servant summoned for interview by the Union Public Service Commission.

**1660.** A Railway servant summoned for interview and/or written test in connection with the filling up of a post other than an advertised post on the Railway on which he is employed, or in the Office of the Ministry of Railway/or in a Railway Administration in which a competent authority has authorized recruitment from the Indian Railways, should be deemed to have performed a journey on duty and given travelling allowance as on tour.

**1661.** (1) A Railway servant on casual leave when called upon to attend a Selection Board in connection with a post in the normal line of promotion, shall be treated as on duty and allowed travelling allowance as on tour. In other cases i.e. in case of selection to posts which are outside the cadre to which a railway servant belongs or which are outside the normal line of promotion of the person concerned, the period involved should be treated as casual leave.

(2) A Railway servant when called upon by other Ministries/Department/Offices/Public Sector undertakings for interview in connection with appointment on deputation/foreign service to posts which are not advertised, and with which the Union Public Service Commission is not concerned, may be treated as on duty and they should be allowed return journey duty passes and Daily Allowance for to and for journey period. No Daily Allowance shall be payable for the period of halt in connection with such interviews. If any travelling allowance in the form of cost of journey, mileage etc. is paid by other ministries/departments/offices/public undertaking, the same should be credited to the railway revenues.

- (3) No travelling allowance will be paid to those persons who themselves apply for interview direct.

(4) In cases where railway servants are called for interview for filling up posts by non-Government agency, each case would be considered on merits by the Railway Board as when a reference in the matter is received.

#### **Section XV - Journeys during leave or when proceeding or returning from leave**

**1662.** Except as otherwise provided in these rules, a railway servant is not entitled to any travelling allowance for a journey made during leave or while proceeding or returning from leave.

**1663.** (1) When travelling allowance is sanctioned under the exception to Rule 1662, it will be regulated by grade to which the railway servant would have belonged had he not proceeded on leave including leave preparatory to retirement.

(2) The Head of Department may grant travelling allowance as on tour to a non-gazetted railway servant who is required to perform some public duty at a place other than the one where he is spending his leave provided that travelling allowance may not be granted for a journey while proceeding on or returning from leave.

(3) The General Managers, Director General/ Railway Designs and Standard Organisation, Chief Administrative Officers and the other Heads of Office drawing a pay of Rs. 7300/- per month and above may, in consultation with the financial Adviser and Chief Accounts Officer, grant travelling allowance as on tour to Accounts Officers who are required to perform some public duty at a place other than one where they spend the leave, provided that travelling allowance may not be granted for a journey while proceeding on or returning from leave. These powers should be exercised personally by General Managers/Chief Administrative Officers etc. and should not be redelegated.

(Railway Ministry's letter No. F(E) 1/78/PW/7/2 dated 24-1-79 )

NOTE: The travelling allowance for a railway servant who is required to travel on duty in consequence of his re-employment during leave preparatory retirement, following the date of his compulsory retirement granted to him under Rule 540 or corresponding rule applicable to him which runs concurrently to his re-employment, should be regulated by the pay and grade of the post which he held immediately before proceeding on such leave; even though his pay in the post in which he is re-employed together with his leave salary in respect of refused leave may be less than the pay of the post held by him prior to commencement of such leave.

**1664.** (1) When a railway servant is compulsorily recalled to duty before expiry of his leave and the leave thereby curtailed by not less than one month, he is entitled to draw travelling allowance as for a journey on tour from the place at which the order of recall reaches him, or, if the journey involves travelling by sea, from the port at which he lands in India to the station in which he is recalled. If the period by which leave is curtailed is less than one month, travelling allowance may be allowed at the discretion of the authority recalling the railways servant.

(2) If the railway servant recalled to duty is entitled to travelling allowance under Rule 1650, he may not draw travelling allowance under Sub-rule (1).

**1665.** If a non-gazetted railway servant, on compulsory recall from leave exceeding four months, is posted to a station other than that from which he went on leave, he may, if his new station is more than 350 kms. distant from his old station, be granted, in addition to the concession admissible under Rule 1615, free passes and/or traveling allowance for his family under Rule 1642 for the journey from the place at which the order of recall reaches him to the new station;

Provided that the amount of mileage allowance shall not exceed that which should be admissible if the journey was performed from the old to the new station.

#### **Section XVI - Journeys on retirement, dismissal or termination of appointment**

**1666.** (1) No person shall, without the sanction of the Ministry of Railways be entitled to any travelling allowance for a journey made after retirement or dismissal from railway service or after the termination of such service.

(2) A Railway servant in the event of retirement and/or members of his family in the event of death of Railway servant, besides free passes admissible under the Railway Servants (Pass) Rules, 1986, shall be entitled to travelling allowance as admissible on transfer.

(3) The time limit for performance of journey to home town/selected place of residence for the purpose of admissibility of travelling allowance under Sub-rule(2), is one year from the date of retirement. This time limit of one year will also apply in the case of those Railway servants who are re-employed within one year after retirement and want to claim travelling allowance after the expiry of the period of re-employment.

(4) Travelling allowance under sub-rule (2) above is admissible to a Railway servant retiring voluntarily, or on invalid/compensation pension. The travelling allowance is not admissible to the employees who are dismissed/removed from service. However, Railway employees who quit service by resignation for reasons not accepted as good and sufficient by the Railway Administration, will not be entitled to any travelling allowance as on transfer, but they shall be granted passes if admissible under Railway Servants (Pass) Rules, 1986.

(5) When a retired Railway servant undertakes a journey to an outstation to attend a departmental enquiry instituted against him/her pertaining to his/her service period, he/she may be allowed travelling allowance as given below:-

- (i) A pass of the class to which he was entitled prior to retirement, or first class, whichever class is lower, for self only for the journey from his home town (declared as such for purposes of settlement passes) or from the actual place of residence, to the place of enquiry and back, whichever distance is shorter; and
- (ii) Daily allowance for the journey including halts at the outstation.

NOTE--The rate of daily allowance will be regulated in accordance with the pay drawn/post held by the retired Railway servant immediately prior to his retirement.

- (iii) The payment of TA/DA would be subject to certification by the Inquiring Officer about the attendance of by the Railway servant.
- (iv) No advance of traveling allowance would be admissible in such cases.

(6) When a retired railway servant undertakes a journey to an outstation for perusal of documents for preparation of his defence in a disciplinary case instituted against him, he may be allowed the following TA/DA in one case only:-

- (i) A pass of the class to which the retired railway servant was entitled prior to retirement, or first class whichever class is lower, for self only for the journey from his "Home Town" (declared as such for purposes of settlement passes), or from the actual place of residence, to the place where the documents are kept, whichever distance is shorter, and back, and
- (ii) Daily Allowance for the period of journey and a maximum of 3 days only for halt at outstation.

NOTE. -- (a) The rate of Daily allowance will be regulated in accordance with the pay drawn/post held by the retired railway servant immediately prior to his retirement;

(b) In the case of those railway employees who retired prior to the revision of the pay scales, the rate of Daily Allowance for such journeys would be determined on the notional pay of the retired employee which will include, in addition to pay in the pre-revised scales, dearness pay, Dearness Allowance, Addl. Dearness Allowance, ad-hoc D.A. and Interim relief appropriate to that pay as admissible under orders in existence on 31-12-85.

- (iii) No advance of Traveling Allowance would be admissible.
- (iv) The grant of Travelling Allowance will also be subject to the condition that the inquiring officer certifies that the official records to be consulted are relevant and essential for the preparation of the defence statement.

#### **Section XVII - Journeys to attend court of law**

**1667.** The following provisions apply to a railway servant who is summoned to give evidence: -

- (i) In a criminal case, a trial before a Court martial, a civil suit, or proceedings to which Government is a party or a departmental enquiry held by a properly constituted authority in the Indian Union; or
- (ii) Before a court in a foreign territory

Provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties:

- (a) He may draw travelling allowance as for a journey on tour attaching to his TA Bill a certificate of attendance given by the Court or other authority which summoned him.
- (b) When he draws such travelling allowance he may not accept any payment of his expenses from the Court or authority. Any fees which may be deposited in the Court for the travelling and subsistence allowance of the witness must be credited to the Railway Revenues.
- (c) If the Court in which he gives evidence is situated within 8 kms. of his headquarters, and no traveling allowance, is, therefore, admissible to him for the journey, he may, if he be not in receipt of permanent travelling allowance, accept such payment of actual travelling expenses as the Court may make.

NOTE:- A railway servant summoned to give evidence while on leave is entitled to travelling allowance under these Rules from and to the place from which he is summoned as if he were on duty.

#### **Government of India's decisions**

(i) Journeys connected with police inquiries-Travelling allowance is admissible to an Officer proceeding to a police station to lodge a complaint or give information of an offence, but under the orders of the Government of India in the Home Department No 1163 dated the 14<sup>th</sup> September, 1874, no allowance is admissible to an officer summoned by a police officer to give evidence before him.

(G.I.F. & C.D. No.6170-P dated the 19<sup>th</sup> December, 1894.)

(ii) The question of admissibility of travelling allowance to the officials of a department who are required by their superior officer to proceed from one station to another to appear before police officers or to accompany them to another station, has for some time past, been under the consideration of the Government of India, and it has been decided that whether the employee's presence is required to give a statement or to assist generally in the police investigation, it is within the discretion of his superior officer who orders the Government servant to undertake the journey to grant travelling allowance for the journey as having been performed on duty. It has been held that this rule provides, merely for cases in which the court or other authority has the power of paying witnesses' expenses. It is not the intention of the rules to forbid the grant of travelling allowance to a Government servant attending, under proper orders, inquiry whether police or departmental.

(G.I.F.D. U.O.No. 6847-CSR dt. 15<sup>th</sup> December, 1926.)

(iii) Where a railway servant whether under suspension or not, performs journey to attend police/special Police Establishment Enquiry in connection with a case in which he is suspected to be involved, travelling allowance as for a journey on tour may be allowed for such journeys provided that they are performed under the direction of, or with the approval of, the Head of the Office in which he is for the time being employed, or was employed, before suspension.

(iv) Where a railway servant undertakes journey during suspension for appearing in a Court of Law as an accused and is later on acquitted by the Court and reinstated in service or would have been reinstated in service but for death or his having attained the age of compulsory retirement or being allowed to retire voluntarily, traveling allowance as on tour based on the grade to which the railway servant belonged before suspension may be reimbursed to him provided the legal expenses incurred by him in defending such proceedings are reimbursed in full or in part under Article 320 (3) (d) of the Constitution.

(v) Traveling Allowance in respect of following types of cases may be granted as indicated below: -

(a) Proceeding initiated by Government in respect of matters connected with the official duties or position of the railway servant. In respect of such cases, travelling allowance may be granted as in Government of India's Decision No. (iv) above.

(b) Proceedings in respect of matters not connected with official duties or position of the railway servant: -

No Travelling Allowance is admissible in such cases

(c) Proceedings instituted by a private party against a railway servant in respect of matters connected with his official duties or position.

(i) If the Railway Administration on consideration of the facts and circumstances of the case consider that it will be in public interest that the Administration 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 will be paid travelling allowance as for a journey on tour.

(ii) If the Railway servant purposes to conduct his defence in such proceedings himself, travelling allowance may be paid on the lines indicated in sub-rule (iv) above subject to the further condition that the travelling expenses are not decreed by the court of Law as payable by the plaintiff.

(d) Proceedings instituted by a Railway servant on his being required by Government to vindicate his official conduct. In respect of such cases, travelling allowance may be granted to the railway servant on the lines indicated in Government of India's Decision No. (iv) above.

(e) Proceeding instituted by a railway servant suo-moto with the previous sanction of the Government to vindicate his conduct arising out of or connected with his official duties or position. In respect of such cases, no travelling allowance is admissible.

**1668.** (1) Every person, whether he is a Railway servant, Central or State Govt. servant or not, who is called to give evidence in a departmental inquiry by, either the Railway administration or the Railway servant against whom the inquiry is being held, shall be entitled to payment of travelling and other expenses as laid down below.

(2) Where the witness is a railway servant, he shall be entitled to receive, in respect of the attendance before the authority holding the departmental inquiry from the department or office under which he is serving for the time being, payment of travelling allowance as on tour.

(3) (i) Where the railway servant is called in the departmental inquiry to give evidence as to facts which have come to his knowledge in the discharge of his public duties, the minimum time required to be spent by him on the journey to and from the place where the inquiry is held and the days on which he is required to remain present before the authority holding the inquiry, shall be treated as duty.

(ii) Provided that if the Railway servant is on leave, the entire time spent shall be treated as a part of the leave and he shall not be deemed to have been recalled to duty.

(iii) Where a railway servant is called by any authority holding the departmental inquiry to give evidence as to facts which have come to his knowledge at a time when he was not in railway service, he may be paid travelling allowance as provided in clause (2) above.

(4) Where the witness is Central Govt./State Govt. servant, he shall be entitled to receive, in respect of the attendance before the authority holding the departmental inquiry, from the Central/State Govt. such travelling allowance and/or daily allowance as may be admissible to him under the rules applicable to him in that behalf in respect of a journey undertaken on tour and the amount so paid shall be the liability of the Railway administration. The Central/State Govt. will, however, make the necessary payments and shall raise a debit in respect thereof against the Railway administration.

(5) Where a person who has been a Railway servant but has ceased to be so, is called to give evidence as to facts which might or might not have come to his knowledge in the discharge of his duties, or a person who is not a servant of the Union, is called to give evidence before any authority holding a departmental enquiry, such a person shall be entitled to claim from the Ministry or Department or office under whom the railway servant against whom the inquiry is being held is for the time being serving, travelling allowance under Rule 1696.

(6) The officer or the Board holding the inquiry shall furnish a certificate in the following Form to every person appearing before him or to give evidence.

#### **FORM**

This is to certify that Shri (Name, designation, office, etc.) appeared before me as a witness on ..... at (place) ..... in the departmental inquiry against Shri (Name, designation, etc.) and was discharged on..... at (time).....

Nothing has been paid to him on account of his travelling and other expenses.

(SIGNATURE)  
Disciplinary Authority/Board of  
Inquiry-Inquiry Officer.

Copy forwarded for information to the Ministry/Department of Secretary to the Govt. of (Name of State Government) Department.

(7) The foregoing instructions shall also apply to a person assisting the Railway servant against whom the inquiry is held in presenting his case. Such a person shall be granted a certificate in the following form by the authority holding the departmental inquiry.

#### **FORM**

This is to certify that Shri (Name, designation, office, etc.) attended the proceedings in the departmental inquiry against Shri (Name designation, etc.) to assist the said designation, etc. and was discharged on .....at (time).....

Nothing has been paid to him on account of his travelling and other expenses.

(SIGNATURE)  
Disciplinary Authority/Board of  
Inquiry/Inquiring Officer/Appellate authority

Copy forwarded for information to the Ministry/Department of.....

**1669.** In cases where railway servants whether on duty or on leave or under suspension, undertake journeys to an outstation to pursue official records for the preparation of their defence in connection with the disciplinary proceedings instituted against them, travelling allowance as on tour and daily allowance (restricted to a maximum of three days only) will be allowed from the headquarters of the railway servant or from any other places where the railway servant may be spending his leave or where the suspended officer has been permitted on his request to reside, but not exceeding what would be admissible, had the journey been undertaken from the headquarters of the railway servant subject to the following further condition:-

- (i) The disciplinary authority competent to permit inspection of documents/the Inquiring authority certifies that the official records to be consulted are relevant and essential for the preparation of the defence statement. Such a certificate is necessary only in case where the accused railway servant asks for access to the documents which are not mentioned in the list of documents proposed to be relied upon by the Railway Administration.



- (ii) the competent authority certifies that the original records could not be sent to the Headquarters station of the railway servant or the bulk of the documents ruled out the possibility of copies being made out and sent:
- (iii) the Head of office under whose administrative control the railway servant is, certifies that the journey was performed with his approval; and
- (iv) in case of officers not under suspension at the time of undertaking the journey, the period spent in transit to and from and the minimum period of stay required at the place where the official records are made available for perusal, should be treated as duty or leave according as the officer is on duty or on leave at that time, and in case of officers under suspension who are subsequently reinstated in service, the period will be treated as duty, leave or otherwise in accordance with the orders passed by the competent authority under Rule 1345 (i) RII.

**1670.** A railway servant summoned to give evidence in circumstances other than those described in Rule 1663 or to serve as assessor or juror in a court of law, is not entitled, by reason of his position as a Government servant, to any payment other than those admissible by the rules of the court. If the court pays him any sum as subsistence allowance or compensation apart from payment for travelling expenses, he must credit that sum to railway revenues before drawing full pay for the day or days of absence.

NOTE: - This period spent by railway servant in attending court as juror and assessor with the permission of their respective Heads of Department, should be treated as special casual leave, which should not be debited to their casual leave accounts and no extra payment, except those admissible under these rules, should be made to them for such period.

### **Government of India's Orders**

The question has arisen whether an employee who is subject to the Payment of Wages Act, 1936 can legally pay to the department fees or sums received by him from court as subsistence allowance or compensation. Such payment will amount to a deduction from wages within the meaning of the explanation to sub-section (i) to Section 7 of the Payment of Wages Act, 1936 and is thus inadmissible under the provision to that Section. The employee, therefore, cannot legally be asked to credit to railway the subsistence allowance granted to him by the court. This difficulty can be solved by the issue of rules by the High Court to the effect that in the case of Government servant who are subject to the payment of Wages Act, 1936, such sums should be deposited by the court themselves in the treasury to the credit of the railway or office concerned.

**1671.** A railway servant who is summoned to give evidence of facts which came to his knowledge in the discharge of his duties or to produce official documents in a civil suit in which Government is not a party, will be paid travelling expenses etc. by the court at the rates admissible to the railway servant for a journey on tour. In order to enable the court to assess the amount admissible to him the railway servant should carry to the court a certificate duly signed by the Controlling Officer of the railway servant showing the rate of travelling and daily allowance admissible to him for a journey on tour. If the railway servant is his own Controlling Officer, the certificate will be signed by him as such.

NOTE. --These orders do not apply in respect of attendance at courts in the West Bengal state.

### **Section XVIII - Journeys by Railway servants under suspension**

**1672.** A railway servant under suspension who is required to perform journey to attend a departmental inquiry, may be allowed travelling allowance as for a journey on tour from his headquarters or the place at which he has been permitted to reside during suspension to the place of inquiry whichever is less. No travelling allowance will, however, be admissible if the inquiry is held at his own request. The rate of daily allowance admissible will be the same to which a railway servant was entitled on his pay just before his suspension.

### **Railway Ministry's decision**

(1) Travelling allowance is admissible to a railway servant summoned to give evidence in a court of law while he is under suspension, but the period of his attendance at the court will be treated as suspension only.

### **Section XIX - Journey to obtain medical treatment advice or certificates or to appear before medical boards.**

**1673.** Notwithstanding anything contained in this rule, no travelling allowance shall be admissible to a railway servant performing a journey to visit a Dental Practitioner or in connection with any treatment or advice other than a treatment or advice by a Medical Officer, a physician specialist or a surgeon specialist.

**1674. Journeys for procuring Health Certificates.**-- Travelling allowance is not admissible for a journey undertaken to procure health certificate on first appointment to Government servants.

**1675.** (1) A railway servant who is sent by the authorised medical attendant to a specialist in the service of Government or other Medical Officer at the nearest station under note 3 to Rule 603(3) RI shall draw a travelling allowance as for a journey on tour, but no daily allowance shall be drawn for halts on the journey. If a member of a railway servant's family is similarly sent, free passes of the class admissible to the railway servant himself under the Railway servant (Pass) Rules, 1986 may be issued for the outward and return journeys.

NOTE. --Travelling allowance is payable to the railway servant even if the journey performed is treated as leave provided that other conditions governing the grant of travelling allowance in such cases are satisfied.

(2) In the alternative, if a specialist or other Medical Officer is summoned to attend upon the railway servant (patient), he shall, on production of a certificate in writing from the authorized medical attendant in this behalf, be entitled to travelling allowance under the rules applicable to him.

**1676.** (1) A railway servant suffering from Cancer, Tuberculosis or Polio myelitis who is sent to a hospital referred in Rule 643 RI for treatment on the advice of the authorized Medical Attendant shall be entitled to travelling allowance as for a journey on tour to and from the place of treatment, but no daily allowance shall be admissible for any halts;

(2) In respect of a member of the family of a railway servant suffering from Cancer, Tuberculosis or Polio myelitis who is similarly sent for treatment, a railway servant shall be entitled to free passes of the class to which he himself is entitled for the journey by rail to and from the place of treatment and the actual expenditure on road journeys not exceeding mileage allowance admissible to the railway servant himself.

(3) If the authorised Medical Attendant certifies in writing that in the case of a railway servant or a member of his family suffering from Cancer, Tuberculosis or Polio myelitis, it is unsafe for the patient to travel unattended and that it is necessary for an attendant to accompany the patient to the place of treatment, an attendant may be allowed to accompany the patient to the place of treatment. The attendant, (a) if a railway servant, shall be deemed to have been travelling on duty and may draw travelling allowance for the outward and inward journeys as for a journey on tour, and (b) if not a railway servant, may be allowed a free railway pass of the same class as allowed to the patient, or of a lower class for the journeys by rail to and from the place of treatment of the patient, and for road journey, actual expenditure exceeding the mileage allowance admissible to the railway servant himself.

NOTE. --(i) No cost of conveyance of personal effects may be allowed.

(ii) Extra railway pass and daily allowance may be allowed for journeys undertaken by the railway servant after completion of treatment for periodical check-ups at the nearest Government recognized or Cancer, Tuberculosis or other hospital providing facilities for the treatment of Cancer and Tuberculosis where the railway servant received treatment, on the advice of the Authorised Medical attendant or the specific advice of the authorities of the hospitals where the treatment was received.

(4) If, in order to obtain anti-rabic treatment, a railway servant is compelled to leave a station at which he falls ill and at which anti-rabic treatment is not available, and travels to the nearest station where the said treatment is available, he may, on production of a certificate from the Railway Medical Officer of the Division that the journey was in his opinion absolutely necessary, draw travelling allowance for the journey. The concession is also admissible to a railway servant on leave.

**1677.** (1) A railway servant suffering from mental diseases, when sent for consultation/treatment in a Mental Hospital on advice of the authorized Medical Attendant, may be given free passes for the outward and return journeys to the Mental hospital as admissible under the rules but no daily allowance is to be paid. For the road portion of the journey, travelling expenses incurred, subject to a maximum at half the rate of mileage allowance calculated for the road journey, may be reimbursed.

(2) If the authorized Medical attendant certifies in writing that in the case of railway servant suffering from mental disease it is unsafe for the patient to travel unattended and that an attendant is necessary to accompany him to the place of consultation/treatment, a free railway pass by the same or lower class may be allowed for the attendant for both ways. For the road journey of the attendant, same concession as for the railway servant may be allowed.

- NOTE. --
- (i) The outward journey should be deemed to have commenced from the headquarters of the railway servant or from which the patient actually travels, which is nearer to the place of consultation/treatment. Likewise, the return journey will be deemed to have ended at the headquarters or at the place to which the patient actually travels whichever is nearer.
  - (ii) As regards travelling expenses for the road portion of the journey or for the journey between station connected by road only claimed by an attendant, he/she may be allowed the actual cost of transit not exceeding the travelling allowance admissible to the railway servant concerned. This will cover journey not only to the nearest railway station but also long journey by road to the nearest railway station or the hospital concerned where there is no rail link.

**1678.** The journeys contemplated by Rule 1677 should not be undertaken without the previous permission of the Controlling Officer if such permission can be obtained without risk to the railway servant requiring medical advice.

**1679.** (1) A railway servant who is directed by his official superior, in the interests of the public service, to apply for an invalid pension, may, if he be required to make journey in order to appear before a Medical Board, draw his actual travelling expenses subject to a maximum of the amount of travelling allowance calculated for the journey. If it be necessary for him to return to his headquarters after appearing before the Medical Board, he may draw his actual expenses subject to the same maximum. For either journey, his traveling allowance bill must be supported by a certificate that he was directed to apply for an invalid pension in the interest of the public service and that he did not voluntarily ask to retire.

(2) A Head of a Department may allow actual expenses, as limited by sub-rule (1) of this rule, to be drawn by a railway servant who voluntarily applies for an invalid pension provided that he is satisfied that the circumstances for applicant are such as to justify the concession.

#### **Auditor-General's Decision**

Journeys after having been invalidated. A non-gazetted Government servant after having been invalidated by a Civil Surgeon with effect from the 30<sup>th</sup> Jan., 1935, had to undertake subsequent to that date, for obtaining the attestation of the Medical certificate under Rule 2514-RII (1975 edition) several journeys to appear before the Medical Board which ultimately confirmed the Civil Surgeon's certificate retrospectively with effect from the 30<sup>th</sup> January, 1935. The Government servant put in a claim for the reimbursement of travelling allowance in respect of these journeys and a doubt was felt whether the case could be covered by the ordinary rules for travelling allowance. It has been decided that rule 1679 does not become inoperative if, in a case like this, retirement takes retrospective effect from a date prior to the date on which the journey to appear before the Medical Board is performed.

**1680.** When a non-gazetted railway servant performs a journey to undergo a periodical medical examination required by or under the rules applicable to him, he may draw travelling allowance for such period as may be certified by medical authority concerned to be absolutely necessary for the purpose.

**1681.** Except as provided in rule 1680, no travelling allowance is admissible for a journey undertaken in order to appear before a Medical Board.

**1682.** Travelling allowance under Rules 1674 to 1680 shall be calculated as for a journey on tour, but except in a case covered by rule 1680 no allowance shall be drawn for halts on the journey.

**1683.** (1) A Medical Officer who considers that a railway servant on whom it is his duty to attend professionally should leave his station to obtain medical advice or treatment or to proceed on leave, and that it is unsafe for him to travel unattended, may, if he does not himself accompany him, arrange for an attendant to do so; and the attendant (a) if a railway servant, shall be deemed to have been traveling on duty and may draw travelling allowance for the outward and return journey on tour, and (b) if not a railway servant, may draw actual expenses.

(2) When the Medical Officer's opinion as to the necessity for the journey and for attendant during it can be obtained before its commencement, a certificate from him that the journey with an attendant was necessary, is sufficient for the purpose of this rule.

(3) This rule also applies to attendant on members of railway servant's family when entitled to travelling allowance under rule 1676.

NOTE. --Grant of traveling allowance for the attendant shall be regularized on the lines of the provision contained in rule 1676 (i), (ii) and (iii).

#### **Section XX - Journeys by Railway medical officers for attending on Railway servants and their families at outstation.**

**1684.** When a Railway Medical Officer is called to render medical assistance to a Railway servant or his family at outstation, he may be granted travelling allowance, as on tour, when the medical service rendered is gratuitous.

#### **Section XXI - Journeys on a course of training**

**1685.** When a Railway servant is selected to undergo a course of training, he may draw travelling allowance as on tour-

- (a) For the original journey to and last journey from the place of training.
- (b) If the training (journey) is at a school or college or similar institution, for similar journeys on the occasion of holidays and vacations; and
- (c) For journeys during the course of training.

For halts at the place of training, daily allowance will be admissible at full rate for the first 180 days. Beyond 180 days, no daily allowance is admissible. These provisions do not apply to probationers, temporary officers or persons in receipt of a stipend or to such Railway servants undergoing training in Railway Training Schools as are granted free messing or messing allowance in lieu of daily allowance under special orders or to such other Railway servant in respect of whom general or special orders may be issued by the President.

The limit of 180 days indicated above should be applied with reference to the halt of the journey at a particular place. However, if the trainees have to stay at a particular place of training, for different spells of the same training programmes, all the different spells of stay should be kept together for determining entitlement to daily allowance for the purpose of this rule.

NOTE.--(i) The Railway officers and staff deputed to attend training courses in the non-railway institutions where the Registration/Course fee includes the cost of board and lodging or the cost of board and lodging has to be borne by the Railway Administration, will be granted 20% of the Daily Allowance to which they would otherwise be entitled under the normal rules.

(ii) No Daily Allowance or any part thereof will be admissible to those trainees whose normal headquarters are at the place of training itself.

- (iii) The Apprentices selected from amongst the serving railway employees as Probationary ASMs, Guards etc. Shall be eligible for free messing plus 20% Daily allowance, otherwise admissible to them under the normal rules. This provision also covers employees selected through the process of GDCE.

(Authority:- Railway Board's letter No.E(MPP)2001/1/10 dated 3.5.01)

(3) A Probationary Officer/temporary officer during the period of his training should be treated as under: -

- (i) No travelling allowance should be allowed for onward journeys in cases where the probationers/temporary officers join the training institutions direct on first appointment to railway service.

- (ii) Travelling allowance as on tour may be allowed to the probationers/temporary officers who are already in railway/Government service or who first join the railways of their posting and then proceed to the training institute or where they move from one training institute to another.
- (iii) Probationers/temporary officers shall not be paid any daily allowance or allowed free board and lodging in lieu thereof, where messing is compulsory, for the period of their stay in the training institutes; and
- (iv) For tours to outstations undertaken from the training institutions as part of the training, travelling allowance as admissible as on tour shall be allowed.
- (v) Rent should be recovered from the probationers/temporary officers for the accommodation provided to them during their period of stay in the hostel.
- (vi) The term 'probationers' applies to officers in respect of whom training required to be given during the probation period is given either during probation or afterwards.
- (vii) A person not already in railway service who is selected to undergo a course of training with a view to appointment in railway service may be allowed travelling allowance as in sub-rule (1) and (2) at a scale not exceeding that admissible to railway servants of similar status on duty at the place of training.

**1686.** (1) Special Class Apprentices — When they are moved from one headquarters to another in connection with their training, will be granted travelling allowance as on tour for the period covered by the journey. In cases, however, when they are required to proceed from one station to another for training for the period not exceeding six weeks, they will be treated as on tour.

(2) The apprentices (whether mechanical or other categories) who are in receipt of the concession of free boarding and lodging at their headquarters may be allowed Travelling Allowance applicable to the category to which they are apprentices provided they are required to undertake such journeys as a part of their training and no free boarding is arranged for them.

(Authority: Board's letter No. F(E)I/89/AL-28/8 dated 2.11.89)

**1687.** A military officer in railway employment, while detailed to a military course of instruction, is entitled to draw mileage and daily allowances at rates admissible to a military officer in military employ in similar circumstances. No free railway pass shall be issued for such journeys.

## **Section XXII - Journey to attend levees**

**1688.** (1) A railway servant who is permitted to attend a levee elsewhere than at his headquarters may draw traveling allowance for the journey as for a journey on tour.

Railway Ministry's decision--(1) This rule applies only to railway servants on duty.

(2) The Railway servants who come to Delhi, to receive the gallantry medals from the President at formal investitures will be allowed traveling allowance as on tour.

(3) When officers are invited to attend social functions by the President and others, the journeys undertaken in attending such functions should not be regarded as public duty and no traveling allowance paid for such journeys.

## **Section XXIII - Journeys to attend conferences. Congresses or Meetings**

**1689.** Railway servants attending meetings or conferences or congresses held in India may draw traveling allowance as on tour when they are officially deputed to attend them but not when they attend at their own request. In the latter case, provided any Government interest is served thereby, they may only be granted special passes for the journeys to and from the place of meeting.

## **Ministry of Railways Decisions**

(1) Attendance of Government servants at the meetings listed below has been recognized as being in the interest of the Government--

Annual General Meetings of the Institution of Engineers (India), Calcutta and its Regional Centers, and of the Institute of Railway Accountants and Auditors (Calcutta).

Meetings of the local Associations of the Institution of Engineers.

The Annual General branch meetings of the Indian, Western and Eastern Centres of the Institution of Mechanical Engineers (Railway Division) and of the Indian Medical Association or the Association of the Surgeons of India or the Association of Physicians of India or the meetings and conferences arranged by the Institute of Costs and Works Accountants.

The annual conferences of the Indian Statistical Institute.

The annual Session of the Indian Science Congress.

Regional Centres of the Permanent Way Institutes.

Meetings of the Sectional Committee set up by the Indian Standards Institution.

Meetings of the Advisory Committee of the Indian Council of Medical Research.

Meetings of the Institution of Tele-Communication Engineers.

Meetings of the Institute of Permanent Way Engineers.

The All India Malaria Conferences, The Annual Conferences of the All India Tuberculosis Association, the Annual Conferences of Indian Public Health Association, The Annual Conference of Association of Family Planning, The Annual Conference of the Indian Association of Occupational Health, Two meetings of the Bombay Railway Signal and Tele Communications Society in a Calendar Year. Annual Convention of the Institute of Indian Foundrymen, Calcutta. Annual meeting of the Institute of Rail Transport. Any one meeting of the Institute of Rail Transport in a year when attended by the Members of the Institute.

Annual General Meeting of Institution of Chemists (India).

Joint Chemical Convention (Annual) of the Chemical Research Committee of the Council of Scientific and Industrial Research (Ministry of Education, Government of India), the Institution of Chemists (India), the Indian Chemical Society and the Society of Biological Chemists (India).

Cases not covered by the above should be referred to the Railway Board for orders.

The time spent by the railway servants in attending such meetings, when they are permitted to attend the meetings at their own request, will be treated as special casual leave.

### **Railway Ministry's Decision**

(2) Railway Doctors who are either Members of the following Associations or who read papers may be permitted to attend such meetings at their own request, the period of absence being treated as special casual leave. Special Railway passes may also be given for the journey to and from the place of meetings but no road mileage or daily allowance for halts at the Place of meeting would be allowed.

The Annual Conference of Association of Radiologists, Annual Conference of Association of Ophthalmologists, Annual Conference of Association of Oto-Rhine-Laryngologists, Annual Conference of India Society of Anesthetists, Annual Conference of Association of Gynecologists and Obstetricians, Annual Conference of Association of Nurses, Meetings of the Dental Council of India, Annual Conference of All India Dental Association.

Annual Conference of Indian Academy of Pediatrics.

Annual Conference of Cardiological Society of India.

Annual Conference of Association of Neurologists of India.

Indian Association of Pathologists.

The Annual Conference of the Indian Association for chest disease.

The Indian Society of Gastroenterology.

National Congress on Occupational Health.  
Dermatological Society of India.  
Annual Conference of Indian Psychiatrists Society.  
Annual Convention of the Indian Hospital Association.  
Indian Association of Preventive and Social Medicine.  
Thoracic Surgical Conference.  
Annual General Meetings of Railway.  
Signalling and Tele-Communication Engineers.  
Annual Seminars of the Institute of Town Planners, India.  
Indian Orthopaedic Association.

#### **Section XXIV - Journeys to attend meetings of Railway institutes etc.**

**1690.** Railway servants nominated by a Railway Administration or elected to serve on Debt and Welfare Committees including Staff Benefit Fund Committees, Staff Representatives of a recognized union to Joint Purchase Boards and railway servants nominated ex-officio, and not ordinary members to serve on Committees of Railway Institutes and Staff Loan Funds, etc. may draw when attending meetings of such committees, traveling allowance as on tour. The concession of traveling allowance as on tour will also be admissible to the representatives, who are railway servant of the recognized unions to the Labour Advisory Committee in connection with their attendance at the meetings of the Staff Benefit Fund Committees.

#### **Ministry of Railways' Decision**

(1) The railway servants taking part in recognized athletic contests and tournaments should be allowed special casual leave and free passes.

(2) The running staff granted special casual leave in connection with recognized athletic contests and tournaments should be deemed to have been engaged on other than running duties and as such should be allowed "an allowance in lieu of Kilometrage" for the period of special casual leave granted to them under the rules for payment of running and other allowances to running staff.

#### **Section XXV - Journeys in connection with St. John's ambulance brigade, etc.**

**1691.** Railway servants, when attending drills or deputed for other duty in connection with the St. John's Ambulance Brigade or the St. John's Ambulance Association, may draw traveling allowance as on tour.

#### **Section XXVI - Journeys by departmental representatives for attending selection board convened by the Union Public Service Commission**

**1692.** A railway servant will be granted traveling allowance as on tour in the following cases--

- (1) where they represent the Ministry of Railways on the selection board convened in connection with competitive examinations, e.g. Indian Administrative Service, etc., combined Engineering services Examination etc.
- (2) where selection is made for particular posts otherwise than through competitive examination, e.g. selection of Medical Officers for Railways, etc.
- (3) where Railway Officers are co-opted by the Union Public Service Commission for selections to be made for posts in services other than Railways.

#### **Section XXVII - Grant of travelling allowance to persons not in government service**

**1693.** (1) Member of parliament when attending meetings of the Regional/Divisional User's Consultative Committees and of the Zonal Railway Users' Consultative Committees or sub-committees may be granted traveling allowance for journey from his usual place of residence to the place where the meeting is to be held and for the return journey as shown below:--

- (i) If the journey is performed by rail, an amount equal to one first class fare plus one second class fare for each such journey irrespective of the class in which the Member actually travels;
- (ii) If the journey is performed by air, an amount equal to one and one-fourth of the air fare for each such journey;
- (iii) If the journey or any part thereof cannot be performed by rail or air-
  - (a) where the journey or any part thereof is performed by steamer, an amount equal to one and three-fifths of the fare (without diet) for the highest class in the steamer for each journey or part thereof.
  - (b) where the journey or any part thereof is performed by road, the road mileage as fixed by the concerned Director of Transport for taxi for each such journey or part thereof.

(2) Notwithstanding anything contained in sub-rule (1) a Member who performs journey by road between places connected by rail or steamer either wholly or in part, may draw mileage allowance referred to in sub-clause (b) of Clause (iii) of sub-rule (1) in place of traveling allowance which would have been admissible to him, if he had traveled by rail or steamer as the case may be:

Provided that the total amount of traveling allowance drawn by such Member for the entire journey shall not exceed the amount which would have been admissible to him, had he performed such journey by rail or by steamer as the case may be.

(3) Daily Allowance. --A Member of Parliament is entitled for each day of the meeting to daily allowance as is admissible to him under Section 3 of the Salary, Allowance and Pension of Members of Parliament Act, 1954, i.e. Rs.75/- per day. He will also be entitled to daily allowance for two days preceding and two days following the meeting, if the Member of Parliament actually stays at the place of the meeting.

#### B--For Members of State Legislatures attending meeting of Railway Users' Consultative Committees/Council--

Traveling allowance and dearness allowance (including conveyance allowance) of Members of State Legislatures attending to serve the Railway User' Consultative Committees at the Divisional or Zonal levels or their sub-committees, or meetings of the National Railway Users' Consultative Council, or its sub-committees, will be regulated under the Traveling Allowance Rules of the State Government concerned and they will be treated as their first grade officers for this purpose during non-session of the State Legislatures: and during the Session of State Legislatures, they will be governed, by the respective payment of Salaries and Allowance and Removal or Disqualification Acts. The Member concerned may be informed beforehand that they will not draw traveling allowance and daily allowance (including conveyance allowances) which may disqualify him. This provision may be embodied in the sanction itself.

#### C. -- Non-official members of the railway Users' Consultative Committees (other than Members of Parliament and Members of State Legislatures.)

(1) Non-official members of the Divisional Railway Users' Consultative Committees (other than Members of Parliament and Members of State Legislatures), when attending meetings of the Committees or their committees, may be granted traveling allowance as shown below:-

- (i) An allowance of Rs.20 (rupees twenty only) per day as out of pocket expenses for any day or days spent in traveling between the Railway Station nearest to their place of residence and the place of meeting and vice-versa. This allowance is payable to non-official members (other than Members of Parliament and Members of State Legislatures) of Railway Users' Consultative Committees functioning at the divisional and zonal levels and the National Railway Users' Consultative Council. This out of pocket allowance will not be payable for day (or days) for which daily allowance (as indicated below) is payable.
- (ii) Daily allowance as out of pocket expenses per diem for the duration of the meetings will be payable as under:-

(a) The Divisional Railway Users' Consultative Committees and suburban Railway Users' consultative Committees functioning on Central/Western/Southern/Eastern and south Eastern Rly.	Rs.20
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(b) Railway Users' Consultative Committees functioning at zonal level	Rs.30
(c) National Railway Users' Consultative Council	Rs.40

**D- The TA/DA entitlement of Non-officials of Committees/Boards/Panels etc. on Indian Railways-**

The TA/DA entitlement of Non-officials of Committees/Boards/Panels etc. on Indian Railways may be regulated in the following manner:

- (i) Retired Govt. Officials nominated as Non-official in the Committees/Boards/Panels etc: TA/DA entitlement of these Non-officials will be same as per their entitlement at the time of retirement and will be at the rates mentioned in Board's letter No. F(E)I/2017/AL-28/41, dated 24.08.2017 & 25.09.2017 and F(E)I/2017/AL-028/40, dated 08.08.2017.
- (ii) Persons from various fields nominated as Non-official in Committees/Boards/Panels etc: TA/DA entitlement of these Non-officials will be same as admissible to Railway officers in Pay Level-11 in the Pay Matrix (pre-rev. GP. Rs. 6600/-) at the rates mentioned in Board's letter No. F(E)I/2017/AL-28/41, dated 24.08.2017 & 25.09.2017 and F(E)I/2017/AL-028/40, dated 08.08.2017.
- (iii) Eminent personalities fields nominated as Non-official in Committees/Boards/Panels etc: TA/DA entitlement of these Non-officials will be same as admissible to Railway officers in Pay Level-14 in the Pay Matrix (pre-rev. GP. Rs. 10000/-) at the rates mentioned in Board's letter No. F(E)I/2017/AL-28/41, dated 24.08.2017 & 25.09.2017 and F(E)I/2017/AL-028/40, dated 08.08.2017.

The TA/DA entitlements mentioned above will be applicable in case of Non-officials coming from outside. Local Non-officials will not be entitled for TA/DA, instead they will be entitled for Mileage Allowance only in their respective category.

(Authority: Railway Board's letter No.F(E)I/2017/AL-28/41 dt. 12.02.2018)

**1694.** When a person who is not a servant of the Union is required to give evidence before the Railway Rates Tribunal, he may be granted a free first class pass for the Railway journey and daily allowance at the rates fixed by Railway Board for the number of days for which he is detained by the Committee at the place of examination.

**1695.** When a person not in the service of the Union is summoned as a witness on behalf of a railway servant whose conduct is the subject of a departmental inquiry, travelling allowance may be paid to such a person, provided that the railway servant concerned clears himself, and the evidence given by the witness is considered to be of material value by the Officer conducting the inquiry. The rate of travelling allowance shall be as determined by the Railway Board in each case, with due regard to the person's position in life.

**1696.** When in a case not covered by Rules 1694 to 1695, a person not being a servant of the Union, is required to attend any meeting of a commission of inquiry or of a board, conference committee or departmental inquiry convened under proper authority, or is required to perform any public duties in an honorary capacity, he may be granted such travelling allowance as may, by general or special order, be determined by the Head of Department/Divisional Railway Manager, with due regard to such person's position in life.

### **Section XXVIII - Controlling officers**

**1697.** General Managers / Divisional Railway Managers and Heads of the Departments shall be their own Controlling Officers. All Officers holding substantive post of Senior Scale ( Level-11 in 7th CPC Pay Matrix / PB-3 + Grade Pay Rs.6600/-, pre revised) shall be their own Controlling Officers for countersignature on TA journals. A Head of Department may declare what authorities subordinate to him shall be the Controlling Officers, for the purpose of travelling allowance of railway servants or classes of railway servants employed under him. No authority shall be declared by him to be his own Controlling Officer without the previous sanction of the Ministry of Railways.

**1698.** No bill for traveling allowance, other than permanent travelling allowance shall be paid unless it be signed or counter signed by the Controlling Officer of the railway servant concerned.

NOTE:-- It is not necessary for the Controlling Officer to countersign the bills for conveyance allowance every month, but he should certify in the pay bills pertaining to the months of January, April, July and October each year, to the effect that the conveyance allowance claimed is in order and that the conditions attached to its drawal have been fulfilled.

**1699.** A Controlling Officer shall not delegate to a subordinate railway servant his duty of countersignature, except when he is expressly permitted to do so by the authority who declared him to be a Controlling Officer.

**1700.** It is the duty of a Controlling Officer, before signing or countersigning a travelling allowance bill--

- (1) to scrutinize the necessity, frequency and duration of journeys and halts for which travelling allowance is claimed, to disallow the whole or any part of the travelling allowance claimed for any journey or halt if he considers that a journey was unnecessary or unduly protracted or that a halt was of excessive duration;
- (2) to scrutinize carefully the distances entered in travelling allowance bills;
- (3) to satisfy himself that, mileage allowance for journeys by steamer has been claimed at the rate applicable to the class of accommodation actually used and that where the actual cost of transporting servants, personal effects, etc. is claimed under the rules in this chapter, the scale on which such servants, effects, etc., were transported was reasonable and to disallow any claim which, in his opinion, does not fulfill that condition;
- (4) to check any tendency to abuse the concession of taxi hire sanctioned under rule 1607 and to consider the advisability of its replacement in any particular case by a fixed motor car or motor cycle allowance if in his opinion the monthly bill of the officer on account of taxi hire is excessive; and
- (5) to observe any subsidiary rules or orders which the Head of the Department may make for his guidance.

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## CHAPTER - 17

### HOUSE RENT ALLOWANCE

1701	HRA not a source of profit
1702.	Compensatory (City) Allowance - abolished
1703 – 1707	House Rent Allowance – rates and conditions
1708	Grant of HRA during suspension
1709	Grant of HRA in case of temporary transfer
1710	Grant of HRA during deputation abroad
1711	Grant of HRA during joining time
1712	Grant of HRA in case of re-employed pensioners
1713	Grant of HRA during training
1714	Drawal of allowances during the periods specially treated as duty
1715	Railway employees to whom the rules do not apply

**1701.** (1) The amount of the allowance shall be so regulated that, on the whole, it is not a source of profit to the recipient.

(2) The allowance may be withdrawn or reduced by the President, if he is satisfied that the circumstances justify such a withdrawal or reduction.

(3) The President may, by general or special orders, sanction the grant of compensatory allowance in any case or any class of cases and also prescribe the conditions subject to which the allowance may be drawn, Except as otherwise provided by such orders, the drawal of the allowance shall be regulated by these rules.

#### **1702. Compensatory (City) Allowance – Abolished.**

**1703. House Rent Allowance:-** Consequent upon implementation of recommendations of Sixth Central Pay Commission, the earlier classification of cities for the purpose of grant of House Rent Allowance (HRA) has been revised as X, Y & Z. The rates of House Rent Allowance shall be as under:

Classification of Cities/Towns	Rate of House Rent Allowance per months as a percentage of Basic pay only
X	24%
Y	16%
Z	8%

NOTE:- (1) These rates are effective from 01.07.2017.

(2) The rates of HRA will not be less than Rs. 5400/-, 3600/- and 1800/- at 'X', 'Y' and 'Z' class cities respectively.

(3) The rates of HRA will be revised to 27%, 18% and 9% for 'X', 'Y', and 'Z' class cities respectively when Dearness Allowance (DA) crosses 25% and further revised to 30%, 20% and 10% when DA crosses 50%.

(4) In the case of running staff HRA will continue to be calculated on the basic pay plus 30% pay element till further orders.

(5) Where House Rent has been allowed under special orders, the same shall be continued until issue of orders to the contrary.

(Authority:- Railway Board's letter No. E(P&A)II-2008/HRA-10 dated 12.09.2008 and E(P&A)II-2017/HRA-7 dated 19.07.2017)

(6) House Rent Allowance at the above rates shall be admissible to all Railway servants (other than those provided with Government owned/hired accommodation) without reference to the quantum of rent paid, without requiring them to produce any rent receipts. Such railway servants shall, however, be required to furnish a certificate that they are incurring some expenditure on rent/ contributing towards rent. House Rent Allowance at the above rates shall also be admissible to Railway servants living in their own houses subject to their furnishing a certificate that they are paying/ contributing towards house or property tax or maintenance of the house.

**1704.** For the purpose of HRA:-

- (a) The term "basic pay" in the revised pay structure means the pay drawn in the prescribed pay levels in the Pay Matrix and does not include Non-Practising Allowance (NPA) etc. or any other type of pay like special pay, etc.

(Authority:- Railway Board's letter No. E(P&A)II-2017/HRA-7 dated 19.07.2017)

(b) "Rent" means the charges paid by a Railway employee as consideration for accommodation occupied by him if he is a tenant and the rental value of the house as assessed for municipal purposes or otherwise, if he lives in his own house. It will also mean the charges paid by a Railway employee who resides in a hostel or a boarding house or resides and boards in a private family as a paying guest.

(c) "Family" means a Railway employee's wife/husband, children and other persons residing with and wholly dependent upon him/her. A husband/wife/child/parent having an independent source of income is not treated as a member belonging to the family of the Railway employee except when such income including pension (inclusive of temporary increase in pension and pension equivalent of death-cum-retirement benefits) does not exceed 9000/- per month + DA.

**1705.** (a) (i) The limits of the locality within which these Rules apply shall be those of the named municipality, or corporation and shall include such of the suburban municipalities, notified areas or cantonments as are contiguous to the named municipality or corporation or other areas, as notified from time to time.

(ii) The orders contained will automatically apply/cease to apply to areas which may be included within/excluded from the limits of the named municipality or corporation by the State Government concerned from the date of such inclusion/exclusion.

(iii) The classification of the localities into X, Y & Z for the purpose of House Rent Allowance shall be notified as per the administrative orders issued by the Ministry of Railways from time to time.

(Authority:- Railway Board's letter No. E(P&A)II-2008/HRA-10 dated 12.09.2008)

(b) (i) A Railway employee whose place of duty falls within the qualifying limits of a city shall be eligible for house rent allowance irrespective of whether his place of residence is within such limits or outside.

NOTE. --1. Absence from place of duty during holidays, except those affixed to leave will not affect the eligibility for house rent allowance.

(2) (i) For the period of tour, a Railway servant's entitlement to HRA shall be regulated with reference to his headquarters.

(ii) Railway employees whose place of duty is in the proximity of a qualified city, and who, of necessity, have to reside within the city, may be granted house rent allowance admissible in the city. The following conditions should be satisfied for grant of house rent allowance in the above cases:

- (1) the distance between the place of duty and periphery of the municipal limits of the qualified city does not exceed 8 kilometers; and
- (2) the staff concerned have to reside within the qualified city out of necessity i.e. for want of accommodation nearer their place of duty.

(iii) Railway employees working within a distance of 8 kilometers from the periphery of the municipal limits of a qualified city should be allowed house rent allowance at the rates admissible in that city even though they may not be residing within those municipal limits, provided.

- (1) that there is no other suburban municipality, notified area or cantonment within the 8 kilometers limit; and
- (2) that it is certified by the Collector/Deputy Commissioner, having jurisdiction over the area, that the place is generally dependent for its essential supplies e.g. foodgrains, milk, vegetables, fuel etc. on the qualified city.

Such a certificate would remain valid for a period of 3 years after which fresh certificate will be required.

- (i) The initial sanction for House Rent Allowance for any locality based on the basis of the certificate issued by the Collector/Deputy Commissioner will be issued by Railway Board.
- (ii) Further extensions based on fresh certificates issued by the Collector/Deputy Commissioner will be granted by the General Manager/Addl. General Manager of the Railway concerned with the concurrence of their FA & CAO after ensuring that the conditions which weighed at the time of initial sanction continue to hold good. The powers so delegated should be exercised by the General Manager/Addl. General Manager personally and not be further redelegated.

(iii) In case of doubt, the matter may be referred to Railway Board.

**1706.** (a) (i) House Rent Allowance shall not be granted to a Railway employee if--

- (a) he does not incur any expenditure on rent for his accommodation;
- (b) he occupies accommodation provided by the Government;
- (c) he shares Government accommodation allotted rent-free to another Government servant;
- (d) he/she resides in accommodation allotted to his/her parents/son/daughter by the Central Government/State Government, an autonomous public undertaking or Semi-Government organization such as a Municipality, Port Trust, Nationalized Banks, Life Insurance Corporation of India etc. and
- (e) his wife/her husband has been allotted accommodation at the same station by the Central Government/State Government, an autonomous public undertaking or semi-Government organization such as municipality, Port Trust etc. whether he/she resides in that accommodation or he/she resides separately in accommodation rented by him/her.

(ii) A Railway servant who shares Government accommodation allotted to another Railway/Government employee (excluding those specified in (c), (d) and (e) of sub-rule (i) above shall be eligible for House Rent Allowance.

NOTE.- In cases where husband/wife/parents/children-two or more of them being Central Government servants or employees of State Governments, autonomous public undertakings or semi Government organizations like Municipality, Port Trust, Nationalized Banks, Life Insurance Corporation of India etc., share accommodation allotted to another Government servant, house rent allowance will be admissible to only one of them, at their choice.

The term 'accommodation' includes the accommodation allotted to the employees of State Governments, autonomous public undertakings, semi-Government organizations such as Municipality, Port Trust etc.

**1707.** (i) A Railway employee will be entitled to draw House Rent Allowance during leave at the same rates at which the allowances were drawn before he/she proceeded on leave in respect of total leave of all kinds (except terminal leave, whether running concurrently or not with the notice period) not exceeding 180 days and if the actual duration of leave exceeds the period, the allowances would be payable during the first 180 days of the leave.

(ii) The limit of 180 days shall be extended to 8 months for the purpose of grant of in the case of Railway servants suffering from T.B., Cancer or other ailments during the period of their leave taken on medical certificate when such certificates are in the forms prescribed. It is immaterial whether the leave is on medical certificate from the very commencement or is in continuation of other leave as defined in (i) above. In the case of employees suffering from T.B., Cancer or other ailments, who remain on leave for a period exceeding 8 months, House Rent Allowance for the period of leave beyond 8 months, may be granted by the General Managers in consultation with PFA subject to fulfillment of usual conditions. The General Managers at their discretion may delegate these powers to the Principal Chief personnel Officers or other Heads of Department if no post of Principal Chief Personnel Officer exists.

(iii) Drawal of HRA during the period of leave in excess of 180 days availed of on grounds other than those specified in sub-rule (ii) above, shall be subject to the Railway employee certifying that:--

- (i) he continued for the period for which house rent allowance is claimed, to retain the house of the same station whether within the qualifying limits or in an adjoining areas from where he proceeded on leave and paid rent for it and did not sublet whole of it.

NOTE-1. In the case of Railway servants who are originally granted leave on medical certificates exceeding 180 days and have ultimately to retire from Government service on grounds of invalidity, the entire leave thus becoming leave preparatory to retirement, the recovery of house rent allowance already drawn need not be effected.

2. The drawal of HRA during periods of vacation whether combined with leave or not, shall be regulated in the same way as during leave.

3. In cases, where a Railway servant who is sanctioned leave whether on medical grounds or otherwise, does not join duty after availing himself of such leave, and resigns, he shall not be eligible for House Rent Allowance for the entire period of such leave. The competent authority concerned shall ensure that the entire amount drawn on this account is recovered before resignation, etc. is accepted.

(Board's letter No. E (S)66/CPC/AL/10, dt. 13-7-66 and PC-60/HRA-1/MOF/6 dt. 11-2-71.)

**1708.** The grant of House Rent Allowance to a Railway employee under suspension shall be regulated with reference to Rule 1342 (FR-53) and Rule 1343 (FR-54) of Indian Railway Establishment Code ~~Vol. II~~, subject to the employee furnishing similar certificate as prescribed in Rule 1707 (iii) above.

**1709.** In case of temporary transfer, a Railway employee shall draw House Rent Allowance at the same rate at which he was entitled to them at the time of transfer provided-

- (i) the authority sanctioning the temporary transfer certifies that the Railway employee is likely, on the expiry of the transfer, to return to duty at the station from which he proceeded on transfer or to another station at which he will be entitled to an allowance of the same nature; and
- (ii) the Railway employee furnishes a certificate similar to the certificate prescribed in Rule 1707 (iii) above.

**1710.** Railway employees going abroad on deputation shall be eligible to draw House Rent Allowance at the rates admissible to them from time to time at the station from where they proceeded abroad on deputation in the following manner:-

- (i) Case of deputation abroad not exceeding one year. House Rent Allowance will be admissible for the entire period of deputation subject to the employee furnishing a similar certificate as prescribed in Rule 1707 (iii) above.

- (ii) Cases of deputation abroad exceeding one year. -- A Railway employee proceeding on deputation abroad for a period exceeding one year will be eligible for House Rent Allowance till such time as the family remains at the last place of his duty, subject to the employee furnishing a similar certificate as prescribed in Rule 1707 above. In the event of an employee applying for family passage to the place of deputation abroad or for Transfer Traveling Allowance in respect of his family's journey from the headquarters in India to home town or any other station, he will not be required to refund the amount of House Rent Allowance upto the date upto which the family actually resides at the last Headquarters of the employee in India.
- (iii) Deputation initially not exceeding one year but subsequently extended beyond one year House Rent Allowance will be admissible upto the date of orders extending the period of deputation beyond one year. Thereafter, the allowance shall be admissible as per sub-para (ii) above.

**1711.** During joining time, a Railway employee shall continue to draw House Rent Allowance at the same rates at which he was drawing this allowance at the station from where he was transferred. In cases where joining time is affixed to leave, the joining time shall be added to the period of 180 days referred to in Rule 1707 above.

**1712.** The grant of House Rent Allowance in the case of re-employed pensioners, shall be regulated as indicated below:-

(i) In the case of re-employed Pensioner, the allowances would be granted with reference to the pay fixed on re-employment before deduction of the non-ignorable part of the pension. In the case of those re-employed pensioners whose initial pay is fixed by ignoring the full pension which they receive as pensioners, the pay that will be taken into account for fixing of this allowance will be the pay which they get on re-employment. Pension will not be added to this pay for the purpose of calculation of the allowance.

(ii) Deleted (Authority:- Railway Board's letter No. E(G)99 EM 1/2 dated 2.11.01)

**1713.** (a) A Railway employee who is deputed for training abroad under the various training schemes sponsored by the Govt. of India or operated through non-official channels, shall be entitled to draw House Rent Allowance during the entire period of such training at the rates admissible to him from time to time at the station from where he was deputed abroad for training subject to the production of similar certificates as prescribed in Rule 1707 (iii).

(b) A Railway employee who is sent on training in India and whose period of training is treated as duty under rule 103 (16) of the Indian Railway Establishment Code, shall be entitled to draw during the entire period of such training House Rent Allowance at the rates admissible to him, from time to time, at either the place of training or the place of duty from where he proceeded on training, whichever is more favorable to him. For claiming this allowance admissible at the place of duty from where the Railway employee proceeded on training, the certificate prescribed in Rule 1707 (iii) will have to be furnished.

NOTE. --A Railway employee who is allowed Travelling allowance as on tour and draws daily allowance at the place of training, will draw House Rent Allowance only at the rates admissible to him at the headquarters from where he proceeded on training.

**1714.** Drawl of allowances during the periods specially treated as duty. --The grant of compensatory allowance during any period specially treated as duty under Rule 103 (16) of the Indian Railway Establishment Code, ~~Vol. I,~~ shall be regulated by general or special orders as may be issued by the President in this behalf.

**1715.** Railway employees to whom the rules do not apply. --The rules in this chapter shall not apply to-

- (i) Railway servants appointed on ad-hoc rates of pay who are not specifically allowed under the orders sanctioning their appointments to draw allowance admissible under these rules or whose pay has been fixed with reference to the conditions of living and high rents prevailing at the place where they are stationed;
- (ii) Railway employees specifically exempted from the operation of these rules by the President.

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# CHAPTER 18

## RETIREMENT

<b>1801.</b>	Retirement on superannuation
<b>1802.</b>	Right of Government to retire any Railway servant compulsorily
<b>1803.</b>	Right of Government to retire any non-pensionable Railway servant after 30 years' qualifying service
<b>1804.</b>	Right of Government to retire any non-pensionable railway servant after 30 years service
<b>1805.</b>	Regulating the intervening period between premature retirement and reinstatement

**1801. (F.R. 56).**--(a) Except as otherwise provided in this Rule, or any other Rule or order for the time being in force, every Railway servant shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that a Railway servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years.

NOTE.--The date on which a Railway servant attains the age of sixty years, shall be determined with reference to the date of birth as recorded in terms of Rule 225, read with administrative instructions there under.

(b) (i) No Railway servant shall be granted extension in service beyond the age of retirement of 60 years.

(ii) Lecturers of Railway Degree College, Lallaguda, S.C. Railway shall retire from service on attaining the age of 65 years.

**(Authority:- Board's letter No. E(P&A)I-2007/RT-8 dated 13.12.2007 :RBE No. 161/2007)**

(iii) The age of superannuation of Doctors belonging to IRMS ( now renamed as IRHS) and Dental Doctors under the Ministry of Railways shall be sixty-two (62) years unless they exercise the option of posting to a Clinical post depending upon their expertise and experience, as decided by the Competent Authority in the Ministry of Railways from time to time, in case they desire to continue in their service upto the age of sixty- five (65) years.

**(Authority:- Board's letter No. E(P&A)I-2016/RT-16 dated 20.09.2018:RBE No. 144/2018).**

(c) Notwithstanding anything contained in these rules, or any other rule or order for the time being inforce, the competent authority may require a railway servant under suspension to continue in service beyond the date of his retirement in which case he shall not be permitted by that authority to retire from service and shall be retained in service till such time as require by that authority.

(Authority:- Railway Board's letter No.E(P&A)I/98/RT-6 dated 14.05.98, 22.7.98 & 31.8.98)

(d) In the absence of specific orders to the contrary, every Railway servant shall demit service on the due date of superannuation. In case, for whatever reason other than specific orders to that effect, a Railway servant continues in service, beyond such due date, the period of over-stay shall be treated as irregular and the pay/allowance etc. drawn during the said period shall be recovered.



(Authority:- Railway Board's letter No.E(G)97/RT1/1 dated 7.7.99)

### **Railway Board's orders**

Rule 1801 has been made permissive to enable the competent authorities to come to a decision in each case, depending upon the merits, as to whether a railway servant under suspension should be retained in service or retired on attaining the age of superannuation. As there are differences in the Government's hold over the retirement benefits of retired employees under the Pension Scheme and the Provident Fund Scheme, the decision regarding the retention in service beyond the age of superannuation or not will have to be mainly based on the scheme of retirement benefits by which the Railway servant is governed.

The Railway Board have decided that Railway servants governed by the Pension rules must be retired on the due date of superannuation even if they remain on suspension on that date and the enquires into the charge are still in progress, as the extant orders provide for the continuance of and initiation of proceedings against even retired railway servants under certain conditions.

In the case of non-pensionable railway servants the competent authority will have to take a specific decision in each case, on merits, whether or not to continue in service beyond the date of superannuation, railway servants under suspension. In arriving at a decision, the considerations indicated below shall be kept in view. Only in those cases, where the prospect of a dismissal is nearly certain with the attendant possibility of denying the employee Government's contribution to Provident Fund, need a railway servant under suspension be retained in service beyond the date of superannuation. In other cases, where dismissals are not likely to result, the railway servants concerned shall be retired on the date of attaining superannuation, subject to withholding of special contribution to Provident Fund and also postponement of settlement of Government contribution Provident Fund in terms of Provident Fund Rules, unless there is need for making an exception in any particular case. Departmental proceedings in such cases shall nevertheless be continued and processed to finality expeditiously so that the liabilities established in such proceedings can be adjusted against the Government contribution to Provident Fund held back. While deciding to make exceptions in individual cases for retaining the railway servants beyond the date of superannuation, due regard will have to be paid to the considerations that such employees will have to be paid subsistence allowance during the period of suspension and full pay and allowances to which they would become entitled in the event of their being completely exonerated of the charges against them, and that deductions can be made from the Government contribution to Provident Fund only in terms of Provident Funds Rules.

**1802.** (a) Notwithstanding anything contained in this Rule, the appointing authority shall if he is of the opinion that it is in the public interest to do so, have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice: -

- (i) If he is in Group 'A' or Group 'B' service or post in a substantive or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years.
- (ii) In any other case, after he has attained the age of 55 years.

(Authority:- Railway Board's letter No. E(P&A)I-88/JCM/NC-2 dated 6.7.89)

- (b) (1) Any railway servant may by giving notice of not less than three months in writing to the appropriate authority, retire from service after he has attained the age of fifty years if he is in Group 'A' or Group 'B' service or post (and had entered Government service before attaining the age of 35 years) and in all other cases after he has attained the age of 55 years:

Provided that it shall be open to the appropriate authority to withhold permission to a railway servant under suspension who seeks to retire under this clause.

(2) A railway servant, referred to in sub-rule (1) may make a request in writing to the *appointing authority* to accept a notice of less than three months, giving reasons therefore. On receipt of a request under this sub-rule, the *appointing authority* may consider such request for curtailment of the period of notice of three months on merits and, if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months, on the condition that the railway servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

**1803.** (a) Notwithstanding anything contained in these rules, or any other rule or order for the time being in force, the appointing authority shall, if it is of the opinion that it is in public interest to do so, have the absolute right to retire a railway servant governed by any Pension Rules after he has completed thirty years service qualifying for pension after giving a notice in writing in this behalf to the railway servant at least three months before the date on which he is required to retire, or three months pay and allowances in lieu of such notice.

(b) (1) A railway servant who is governed by any of the pension rules, may retire from service at any time after completion of 30 years of service qualifying for pension, after giving notice in writing to the appropriate authority, at least three months before the intended date of retirement:

Provided that it shall be open to the appropriate authority to withhold permission to a railway servant under suspension, who seeks to retire under this clause.

(b) (2) A railway servant, referred to in Sub-rule (b) (1) may make a request in writing to the appointing authority to accept a notice of less than three months, giving reasons therefore. On receipt of a request under this sub-rule, the appointing authority may consider such request for curtailment of the period of notice on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months, on the condition that the railway servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(Authority:- Railway Board's letter No.E(P&A)I-92/RT-5 dated 13.7.92)

NOTE.--Both in the cases falling under Rule 1803 (a) and (b) (1) orders permitting /requiring a railway servant to retire after completing 30 years qualifying service should, as a rule, not be issued until/after the fact, that the railway servant has indeed completed the qualifying service of thirty years, has been verified in consultation with the Accounts Officer.

**1804.** --(a) Notwithstanding anything contained in clause (a), of rule 1802, the appointing authority shall, if it is of the opinion that it is in public interest to do so, have the absolute right to retire a railway servant in Group 'C' service or post who is not governed by any Pension Rules after he has completed thirty years service by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice.

(b) A railway servant in Group 'C' service or post who is not governed by any Pension Rules, may by giving notice of not less than 3 months in writing to the appointing authority, retire from service after he has completed thirty years service.

**1805.** (1) If on a review of the case referred to in Rule 1802 (a), 1803 (a) and 1804 (a), either on representation from the railway servant retired prematurely or otherwise, it is decided to reinstate the railway servant in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement as duty or as leave of the kind due and admissible, including extra-ordinary leave, or by treating it as dies-non depending upon the facts and circumstances of the case:

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or if the order of premature retirement is set aside by a Court of law.

(2) Where the order of premature retirement is set aside by a Court of law with specific directions in regard to regulation of the period between the date of premature retirement and the date of reinstatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court.

NOTE (1).--Appropriate authority, referred to in these Rules, means the authority which has the power to make substantive appointments to the post or service from which the railway servant is required or wants to retire.

NOTE (2).--'Appointing Authority' means the authority competent to make the first appointment to the grade which the railway servant for the time being holds.

NOTE (3).--The 3 months notice referred to in these rules may be given before the railway servant attains the age specified in Clauses (a) and (b) of Rule 1802 or has completed thirty years of service specified in Clause (a) and (b) (1) of Rule 1803 or has completed thirty years of service specified in clauses (a) and (b) of Rule 1804:

Provided that the retirement takes place after he has attained the relevant age or has completed 30 years service as the case may be.

NOTE (4).--In computing the notice period of three months referred to in Rules 1802 to 1804, date of service of the notice and the date of its expiry shall be excluded.

NOTE (5).--A railway servant who has served a notice of retirement under Rule 1802 (b) or Rule 1803 (b) (1) or Rule 1804(b), as the case may be, shall be precluded from withdrawing his election subsequently, except with the specific approval of such authority:

Provided that the request for withdrawal shall be within the intended date of his retirement.

## GOVERNMENT OF INDIA'S ORDERS

(1). No specific orders are necessary for retirement on due date:-- A question has been raised whether the retirement of a Government servant is automatic on the date on which he attains the age of compulsory retirement or some specific orders by a competent authority are necessary specifying the date on which they should retire.

The rules regulating the age of superannuation or the terms and conditions may provide for the compulsory retirement of a Government servant on his attaining a specific age or after completion of a specified period of service. In all such cases retirement is automatic and in the absence of specific orders to the contrary by the competent authority, a Government servant must retire on the due date. It is the responsibility of the administrative authorities concerned to ensure that the Government servant under their control so retire. The date of compulsory retirement of a Government servant is known in advance and there should be no question of failure to make arrangements for his relief sufficiently in advance and complete any formalities required in that behalf. For this purpose, the authorities concerned should maintain a proper record of the date of retirement of the Government servants working under them and take such appropriate action as may be necessary for their retirement on the due dates.

At the same time, a Government servant cannot take advantage of the non-receipt of formal orders regarding his relief, etc., to say that he has been granted an extension of service. If the Government servant desires to take any leave preparatory to retirement he will naturally apply for it in good time. If not, he should bring the fact that he is attaining the age of superannuation or completing the period of service after which he has to retire, to the notice of the head of the office in which he is serving or if he is himself the head of the office, to that of his immediate superior. Unless he receives specific orders that he should continue in service, he should make over charge on the due date to the head of the office (or such officer as may be nominated by the latter), or if he is himself the head of the office to the next senior most officer in the office who would normally be placed in charge of the office in his absence.

(Govt. of India, Min. of Home Affairs, O.M. No.33/6/56-Ests.(A), dated the 10<sup>th</sup> December, 1965.)

(2) **Relinquishment of charge on a holiday**:-- A question has been raised regarding the procedure to be followed for relinquishment of charge of office in the case of a retiring Government servant when the day on which he is due to retire happens to be a closed holiday. Since a Government servant shall retire from service with effect from the afternoon of the last day of the month in which his/her date of retirement falls, the retiring Government servant should formally relinquish charge of office on the afternoon of that day itself even if it happens to be a closed holiday.

(ii) In cases in which handing over of cash, stores, etc., is involved, these may be made over by the retiring officer (to the relieving officer or, in the absence of the relieving officer, to the next senior officer of the Department present) on the close of the previous working day on the analogy of Government of India's Decision (3) below Rule 78 of the General Financial Rules. Therefore, the actual relinquishment of charge of office shall be made in the prescribed form on the last day of service for which the physical presence of the officer in the office need not be insisted upon.

(Govt. of India, Min. of Finance O.M. No. 19050/8/76-E.IV(B), dated the 21<sup>st</sup> February, 1977.)

(3) Withholding of permission to retire when placed under suspension after receipt of notice.--Attention is invited to proviso (b) to clause (k) (1) of Rule 56 of the Fundamental Rules embodied in the Notification No. 25013/25/83-Estt.(A), dated the 25<sup>th</sup> February, 1984, wherein it is provided that it shall be open to the appropriate authority to withhold permission to a Government servant under suspension who seeks to retire there under. A question has been raised whether the right conferred on the appropriate authority under this proviso can be exercised by that authority in respect of a Government servant who is placed under suspension after he has given the notice of retirement. The question has been considered carefully and it is clarified that the right conferred on the appropriate authority under the above proviso can be exercised by that authority even if a Government servant is placed under suspension after giving the notice for retirement, but such right shall be exercised by the said authority before the expiry of the period of notice given by a Government servant.

(Govt. of India., Min.of Home Affairs., (Deptt. Of Personnel & AR), O.M. No. 25013/31/83-Estt. (A), dated the 30<sup>th</sup> March, 1984.)

## **AUDIT INSTRUCTIONS**

Clause (a) of F.R.56 (corresponding to clause (a) of Rule 1801 of this Chapter) apply to all Government servants to whom the Fundamental Rules as a whole apply, whether they be holding temporary or permanent posts substantively or in an officiating capacity. When a Government servant holding a permanent post substantively is officiating in another post, Fundamental Rule 56 (a) (corresponding to rule 1801 (a)) should be applied according to the character of the post in which he is officiating and not according to the character of the permanent post held substantively by him.

# **Chapter-19**

## **Annual Confidential Reports**

Deleted in 2001

## CHAPTER – 20

### FOREIGN SERVICE AND DEPUTATION

2001-2002	Conditions of Transfer to foreign service
2003.	Transfer to foreign Service during leave
2004	Promotions during Foreign Service.
2005	Regulation of pay during foreign service
2006.	Foreign Service Contributions
2007- 2008	Rates of Contributions
2009 - 2011	Procedure for payment of contribution
2012	Interest on overdue contributions
2013.	Travelling Allowance in respect of the journey on transfer to/from foreign service
2014.	Withholding of Contributions
2015	Payment by Foreign Employer of Pension or Gratuity
2016.	Leave during Foreign Service in India
2017.	Leave during Foreign Service out of India
2018.	Fixation of Pay on Officiating Promotion
2019- 2020	Reversion from Foreign Service
2021	Recoveries of cost of service
2022	Regulation of past service in a local Fund
2023	Transfer of Railway employees to other governments, departments, Companies, Corporations etc.
2024 - 2026	Deputation out of India

#### Section A – Foreign Service

##### 2001. (F.R. 110) Conditions of Transfer.–

(a) No Railway servant may be transferred to foreign service against his will:

Provided that this sub-rule shall not apply to the transfer of a railway servant to the service of a body, incorporated or not which is wholly or substantially owned or controlled by the Government.

(b) A transfer to Foreign Service outside India shall not be sanctioned by an authority other than the President.

(c) subject to any restrictions which the President may by general order impose in the case of transfer to the service of an Indian State, a transfer to foreign service in India may be sanctioned by a competent authority.

##### 2002. (F.R.111). -- A transfer to foreign service is not admissible unless—

- (a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a railway servant; and
- (b) the railway servant transferred holds, at the time of transfer, a post paid from the Consolidated Fund of India or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended.

**2003. (F.R.112).-- Transfer to foreign Service during leave.--** If a railway servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

**2004. (F.R. 113).-- Promotions during Foreign Service.—**

(1) A railway servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given, subject to the conditions prescribed under the second proviso of rule 1325 (F.R..30(1)) such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall also take into account the nature of the work performed in Foreign Service.

(2) Nothing in this rule shall prevent a member of a subordinate service from receiving such other promotion in Government service as the authority, who would have been competent to grant the promotion had he remained in Government service, may decide.

**2005. (F.R. 114).--** A railway servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the President may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time, will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

**Government of India's decision:** The President is pleased to issue, under Rule 2005 (F.R. 114), the following orders regulating the amount of remuneration which may be sanctioned by a competent authority for a railway servant transferred to foreign service:

- (i) When the transfer of a railway servant to foreign service is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No railway servant will be permitted to receive any remuneration or enjoy any concession which is not so specified; and if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.
- (ii) The following two general principles must be observed by the competent authority in sanctioning the conditions of transfer-
  - (a) The terms granted to the railway servant must not be such as to impose an unnecessarily heavy burden on the foreign employer which employs him.
  - (b) The terms granted must not be so greatly in excess of the remuneration which the railway servant would receive in Government service as to render foreign service appreciably more attractive than Government service:

Provided that if his transfer to foreign service involves the assumption of duties and responsibilities of far greater importance than those attached to his post in Government Service, his pay in foreign service may be specially fixed with due regard both to his status and pay in Government Service and to the nature of the work for which he is transferred.

- (iii) Provided that the two principles laid down in paragraph (ii) above are observed, a competent authority may sanction the grant of the following concession by the foreign employer. Such concession must not be sanctioned as a matter of course, but in those cases only in which the competent authority considers that circumstances justify their grant-

- (a) The payment of contributions towards leave-salary and pension under the ordinary rules regulating such contributions.
  - (b) The grant of traveling allowance under the ordinary traveling allowance rules applicable to railway servants and of permanent traveling allowance, conveyance allowance.
  - (c) The use of State tents, boats and transport on tour; provided that this is accompanied by a corresponding reduction in the amount of traveling allowance admissible.
  - (d) The grant of free residential accommodation, which may be furnished, in cases in which the competent authority considers this to be desirable, on such scales as may seem proper to the competent authority.
  - (e) The use of foreign employer's motors, carriages and animals.
- (iv) The grant of any concession not specified in paragraph (iii) above requires the sanction of the President.

**2006. (F.R. 115).--Foreign Service Contributions.—**

(a) While a railway servant is in foreign service, contribution towards the cost of his pension must be paid to general revenues on his behalf.

(b) If the foreign service is in India, contributions must be paid on account of the cost of leave-salary also.

(c) Contributions due under clause (a) and (b) above shall be paid by the railway servant himself unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

(d) By special arrangement made under Rule 2017 (b) (F.R.123(b)) contributions on account of leave-salary may be required in the case of foreign service out of India also; the contributions being paid by the foreign employer.

NOTE. Pensions, throughout this Chapter include Government contribution, if any, payable to a railway servant's credit in a Provident Fund.

**2007. (F.R. 116).--Rates of Contributions.--**The rate of contributions payable on account of pension and leave-salary shall be as prescribed in **Appendix II**.

**2008. (F.R. 117).--**(a) The rates of pension contribution prescribed in Appendix I have been designed to secure to the railway servant the pension that he would have earned by service under Government if he had not been transferred to foreign service.

(b) The rates of contribution for leave-salary will be designed to secure to the railway servant leave-salary on the scale and under the conditions applicable to him. In calculating the rate of leave salary admissible, the pay drawn in foreign service, less in the case of railway servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Rule 103(35) (F.R. 9(2)).

**2009. (1) Procedure for payment of contribution.--** A copy of the orders sanctioning a railway servant's transfer to foreign service must always be communicated to the Accounts Officer by the authority by whom the transfer is sanctioned. The railway servant himself should, without delay, communicate a copy to the Accounts Officer and take his instructions as to the officer to whom he is to account for the contribution; report to the latter officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return from, foreign service and furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that Accounts officer may require.

**(2) Rule regarding leave and the grant of leave .--** A railway servant on foreign service in India is himself personally responsible for his observance of the rule contained in Rule 2016 ( F.R. 122 ). By accepting leave to which he is not entitled under the rules, he renders himself liable to refund leave-salary irregularly drawn, and in the event of his refusing to refund, to forfeit his previous service under Government, and to cease to have any claim on Government in respect of either pension or leave-salary.

**2010.** Foreign service contribution towards pension/provident fund/gratuity etc. by recognized Unions/Federations will not be realised in respect of: --

- (1) two persons in the case of each recognized Federation;



- (2) two persons in the case of each recognized central Union at the Zonal level; and
- (3) one person in each division of Railway for each recognized Union.

As regards contribution towards leave salary, the Union concerned should bear the liability for the same in respect of individuals concerned for the leave earned during the period of service with the Union and pay him the leave salary whenever the individual takes leave. Leave earned during the period of such deputation will lapse on reversion to the parent office.

(ELR 3-78-UTF-4 dated 29<sup>th</sup> June, 1978.)

**2011. (F.R. 119).**--In the case of transfer to foreign service, a competent authority sanctioning a transfer to foreign service may

- (a) remit the contributions due in any specified case or class of cases, and
- (b) interest on overdue contributions shall be levied in accordance with rule 2012.

**2012. (S.R. 307).**--**Interest on overdue contributions.**-(1) contribution for leave salary or pension due in respect of a railway servant on foreign service may be paid annually within 15 days from the end of each financial year or at the end of the foreign service if the deputation on foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the president at the rate of two paise a day per Rs.100 from the date of expiry of the period of 15 days upto the date on which the contribution is finally paid. The interest shall be paid by the railway servant or the foreign employer according as the contribution is paid by the former or the latter.

(2) The leave salary and pension contributions should be paid separately as they are creditable to different heads of accounts and no dues recoverable from Government, on any account, should be set apart against these contributions.

**2013. (S.R. 307 A).**--**Travelling Allowance.**-The traveling allowance of a railway servant both in respect of the journey on transfer to foreign service and the journey on reversion therefrom to railway service will be borne by the foreign employer.

NOTE 1.--The above rule applies even in cases where the railway servant lent takes leave on reversion before joining duty under Government.

NOTE 2.--A railway servant proceeding on deputation to other Government Department/Undertaking/Organisations and returning therefrom will be governed by Railway Travelling Allowance Rules during joining time (both ways) only (and not for any other journey undertaken during deputation). The railway office concerned will issue Railway passes on transfer account for the Railway servant and his family and pay him traveling allowance, etc., as admissible under railway rules. The borrowing authority will arrange to credit to the Principal Financial Advisor concerned an amount equal to the Travelling allowance, and incidental charges admissible under their rules in respect of the two journeys taken by the Railway servant, viz., for taking up the new assignment and his return there from. The difference between the amount payable to the railway servant under Railway Rules and the amount credited by the borrowing authorities which will cover partly the cost of haulage of the kit wagon/wagons will be credited by the concerned Railway to miscellaneous earnings. In the case of the deputation to purely private Bodies, the concession of Railway Travelling Allowance Rule during joining time (both ways) will be admissible only if the private Bodies agree to reimburse the entire cost of travelling under Railway Rules.

**2014. (F.R.120).**--**Withholding of Contributions.**-- A railway servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in railway service the time spent in foreign employ. The contributions paid on his behalf maintains his claim to pension or to pension and leave-salary as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in contribution paid and no claim for refund can be entertained.

**2015. (F.R. 121).**--**Payment by Foreign Employer of Pension or Gratuity.**--A railway servant transferred to foreign service may not, without the sanction of the President, accept a pension or gratuity from his foreign employer in respect of such service.

**2016. F.R. 122)--Leave during Foreign Service in India.--**A railway servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.

**2017. (F.R. 123)--Leave during Foreign Service out of India.--**(a) A railway servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case, the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the railway servant's leave account.

(b) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make an arrangement with the foreign employer, under which leave may be granted to the railway servant in accordance with the rules applicable to him as a railway servant, If the foreign employer pays to Central Government leave contribution at the rate prescribed under Rule 2007 (F.R. 116).

**2018. (F.R. 124)--Fixation of Pay on Officiating Promotion.--**A railway servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in Foreign Service will not be taken into account in fixing his pay.

**2019. (F.R. 125)--Reversion from Foreign Service--** A railway servant reverts from foreign service to Government service on the date on which he take charge of his post in government service; provided that, if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the competent authority may decide.

**2020. (F.R. 126).--**When a railway servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.

**2021. (F.R. 127).--** When an addition is made to a regular establishment on the condition that its cost or a definite portion of its cost shall be recovered from the persons for whose benefit the additional establishment is created , recoveries shall be made under the following rules:-

- (a) the amount to be recovered shall be the gross sanctioned cost of the service, or the portion of the service as the case may be, and shall not vary with the actual expenditure of any month.
- (b) the cost of the service shall include contributions at such rates as may be laid down under rule 2007 (F.R. 116) and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) The Central Government may reduce the amount of recoveries or entirely forego them.

**2022. (F.R. 130).--** Persons transferred to railway service from a local Fund which is not administered by Government will be treated as joining a first post under Government and their previous service will not count as duty performed. A competent authority may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

## **Section B. - Transfer of Railway employees to other governments, departments, Companies, Corporations etc.**

**2023. (1)Application:--**These orders will apply to all Central Govt. employees including Railway employees who are regularly appointed on deputation/foreign service in accordance with Recruitment Rules of the ex-cadre posts under the same or some other Departments of Central Government or under the State Governments/Union Territories Administration/Local Bodies or Under Central/State PSUs/Autonomous Bodies etc. (where such foreign service has been permitted in relaxation of appointment on immediate absorption conditions). These orders will also cover the cases of regular appointment as per Recruitment rules in the Central Government on deputation/foreign service of employees of State Governments/Central/State PSUs/Autonomous bodies, Local Bodies etc. However, the following cases shall not be covered under these orders for whom separate orders exist.

- (a) Members of the All India Services and those deputed to posts whose terms are regulated under specific statutory rules or orders;
- (b) Officers appointed on deputation to posts under Central Staffing Scheme such as Under Secretary, Deputy Secretary, Director, Joint Secretary, Additional Secretary, Secretary etc. for whom separate orders as issued from time to time will continue to apply;
- (c) Deputation to posts operated outside India;
- (d) Appointments of a specific category or employees to a specified class of posts where special orders are already in existence such as appointments made in the personal staff of Ministers etc., to the extent the provisions contained therein are at a variance with those contained in these orders;
- (e) Appointments of the nature of deemed deputation or transfers to ex-cadre posts made in exigencies of services with the specific conditions that no deputation (duty) allowance to be admissible e.g. (i) interim arrangements in the event of conversion of a Government office/Organisation or a portion thereof into a PSU/Autonomous Body or vice versa; and (ii) appointments to the same post in another cadre.

2. Scope of Term 'deputation/foreign service'-Restrictions on treating an appointment as on deputation/foreign service.

2.1 The terms deputation/foreign service will cover only those appointments that are made by transfer on a temporary basis provided the transfer is outside the normal field of deployment and is in the public interest.

The question whether the transfer is outside the normal field of deployment or not will be decided by the authority which controls the service or post from which the employee is transferred.

2.2 Appointment of service employees made either by promotion or by direct recruitment with open market candidates whether on permanent or temporary basis shall not be regarded as deputation/foreign service.

2.3 Permanent appointments made by transfer will also not be treated as deputation/foreign service.

2.4 Temporary appointment made on the basis of personal requests of employees will also not be treated as deputation/foreign service.

2.5 In case of appointments on deputation/foreign service from Central Government to Central Government and in those cases where the scale of pay and dearness allowance in the parent cadre post and ex-cadre post are similar, a person in a higher scale of pay shall not be appointed on deputation to a post in a lower scale of pay.

Arrangements necessitated by staff imbalances arising on re-organisation of offices on the same or different stations, subject to the specific condition that no deputation (duty) allowance will be admissible in such cases.

2.6 In case of appointment on deputation/foreign service from Central Government to Public Sector Undertaking and in those cases where the pay scale and DA in the parent cadre post and ex-cadre post are dissimilar, no appointment/foreign service shall be made if by raising the grade pay by one increment plus dearness allowance(s) including interim relief, if any, admissible to a person in parent cadre post exceeds the emoluments comprising pay plus dearness allowance(s) including interim relief, if any at the maximum of the ex-cadre post.

### 3. Exercise of option

3.1 An employee appointed on deputation/foreign service may elect to draw either the pay in the scale of pay of deputation /foreign service post or his basic pay in the parent cadre plus deputation (duty) allowance thereon plus personal pay, if any.

3.2 The borrowing authority should obtain the option of the employee within one month from the date of joining the ex-cadre post unless the employee has himself furnished the option.

3.3 The option once exercised shall be final. However, the employees may revise the option under the following circumstances which will be effective from the date of occurrence of the same.

- (a) when he receives proforma promotion or is appointed to non-functional selection grade in his parent cadre.
- (b) When he is reverted to a lower grade in his parent cadre.
- (c) When the scale of pay of the parent post on the basis of which his emoluments are regulated during deputation/foreign service or of the ex-cadre post held by the employee on deputation /foreign service is revised either prospectively or from a retrospective date.
- (d) Based on the revised/same option of the employees, in the event of proforma promotion appointment to non-functional selection Grade revision of scales of pay in the parent cadre, the pay of deputationists will be refixed with reference to the revised entitlement of pay in the parent cadre. However, if the initial option was for the pay scale of the deputation post and no change in option already exercised is envisaged the pay already drawn in deputation post will be protected if the pay refixed is less.

NOTE: -- Revision in the rates of DA, HRA or other allowances either in the parent or borrowing organization shall not be on occasion for revision of the earlier option.

3.4 If the pay of an employee in his cadre post under-goes downward revision, the pay in the ex-cadre post is also liable to be re-fixed in the basis of revised pay and in accordance with the revised option or existing option if the employee does not revise his option.

#### **4. Pay Fixation: --**

4.1 When an employee on deputation/foreign service elects to draw pay in the scale of pay attached to the ex-cadre post, his pay may be fixed as under :

- (i) Deputation from Central Govt. to Central Govt.

Pay may be fixed under normal rules.

- (ii) In foreign service/Reverse Foreign Service.

- (a) when the pay scale of the post in the parent cadre and that attached to ex-cadre post are based on same index level and the DA pattern is also same, the pay may be fixed under the normal fundamental Rules.
- (b) if the appointment is made to a post whose pay structure and/or DA pattern is dissimilar to that in the parent organization, pay may be fixed by adding to his parent pay, one increment in the scale of his regular parent post) and if he was drawing pay at the maximum of the scale, by the increment last drawn) and equating the pay so raised plus dearness allowance (and additional or ad-hoc dearness allowance, Interim relief etc., if any) with emoluments comprising of pay plus DA, ADA, Interim relief etc., if any, admissible in the borrowing Organisation and the pay may be fixed at the stage in the pay scale of admissible in ex-cadre post as above equal the emoluments drawn in the cadre and if there is no such stage, pay may be fixed at the next higher stage.
- (iii) Pay fixed under (i) and (ii) shall neither be less than the minimum of the scale of the ex-cadre post nor shall it exceed the maximum of that scale.

4.2 In cases of appointments from one ex-cadre to another ex-cadre post where the employee opts to draw pay in the scale of the ex-cadre post, the pay in the second or subsequent ex-cadre post, should be fixed under the normal rule as with reference to pay in the cadre post only. In respect of appointments to ex-cadre posts on time scale of pay identical with the time scale of pay of ex-cadre post held on an earlier occasion(s) the benefit of proviso I (iii) to FR 22 will be admissible.

4.3 In cases of appointment to a second or subsequent ex-cadre post(s) in a higher pay scale than that of the previous ex-cadre post, the pay may be fixed with reference to the pay drawn in the cadre post and if the pay so fixed happens to be

less than the pay drawn in the previous ex-cadre post, the difference may be allowed as personal pay to be absorbed in future increases in pay. This is subject to the condition that on both the occasions the employees should have opted to draw pay in the scales of pay attached to the ex.-cadre post.

Note: --1. The term parent post basic pay means the post held on regular basis in the parent Organisation and pay drawn/admissible in such a post respectively.

2. An officer who may be holding a higher post on ad-hoc basis in the cadre at the time of proceeding on deputation/foreign service would be considered to have vacated the post held on ad-hoc basis and proceeded on deputation/foreign service from his regular post. During his deputation/foreign service, he shall earn notional increments, in his regular post only. On his reversion if he is re-appointed to the higher post on regular or ad-hoc basis his pay will get fixed w.r.t. the pay admissible in the lower post as on date of promotion. In such cases, if his pay gets fixed at a stage lower than that of his junior(s) who continued to serve in the cadre, no stepping up will be admissible as per extant rules in so far as Central Govt. employees are concerned. However, if the pay so fixed is less than the pay drawn earlier while holding the post on ad-hoc basis the pay earlier drawn will be protected. Therefore, those Central Govt. employees who are already holding a higher post on ad-hoc basis on or expecting it shortly in the parent cadre may weight all the relevant considerations before opting for deputation/foreign service. This note of caution will be applicable to employees of other organizations wishing to apply for posts on deputation in Central Govt. if governed by similar rules in parent organization.
3. Pay of officer appointed on deputation/foreign service on ad-hoc basis pending selection of a regular incumbent may also be regulated in accordance with provisions of para 4.1 & 5.1 subject to the condition that if the said officer does not fulfill the eligibility conditions laid down in the Recruitment Rules of the ex-cadre post, his pay in the scale of the ex-cadre post, if so opted, shall be subject to the restrictions under FR 35. Where the Recruitment Rules of the post have not been notified such restrictions may be enforced if he is ineligible to hold a post in equivalent/ analogous grade in his own cadre. This will also cover appointments on personal staff of dignitaries other than Ministers who have been allowed to make appointments of their personal staff at their discretion.
4. The provisions of this Rule as well as Rule-5 will not apply to appointments on Personal Staff of Minister. Such appointment will be regulated by separate specific order issued by the govt. in that behalf.

## **5. Deputation (duty) allowance:**

5.1 The deputation (duty) allowance admissible shall be at the following rates:

- (a) In case of deputation within the same station the Deputation (Duty) Allowance will be payable at the rate of 5% of basic pay subject to maximum of Rs.4500 p. m.
- (b) In case of deputation involving change of station, the Deputation (Duty) Allowance will be payable at the rate of 10% of the basic pay subject to a maximum of Rs. 9000 p. m.
- (c) The ceilings will further rise by 25 percent each time Dearness Allowance increases by 50 percent.
- (d) Basic Pay, from time to time, plus Deputation (Duty) Allowance shall not exceed the basic pay in the apex level i.e. Rs. 2,25,000/-. In the case of Government servants receiving Non Practicing Allowance their basic pay plus Non-practicing Allowance plus Deputation (Duty) Allowance shall not exceed the average of basic pay of the revised scale applicable to the Apex Level and the Level of the Cabinet Secretary i.e. Rs. 2,37,500/-.

**Note: 1** Basic Pay in the revised pay structure ( the pay structure based on 7<sup>th</sup> Central Pay Commission recommendations) means the pay drawn by the deputationist, from time to time, in the prescribed Level, in Pay Matrix, of the post held by him substantively in the parent cadre, but does not include any other type of pay like personal pay etc.

- Note: 2** In case where the basic pay in parent cadre has been upgraded on account of non-functional up gradation (NFU), Modified Assured Career Progression Scheme (MACP), Non Functional Selection Grade (NFSG), etc, the upgraded basic pay under such up gradations shall not be taken into account for the purpose of Deputation (Duty) Allowance.)
- Note 3** In the cases of a Proforma Promotion under Next Below Rule (NBR); if such a Proforma Promotion is in a Level of the Pay Matrix which is higher than that of the ex-cadre post, the basic pay under such Proforma Promotion shall not be taken into account for the purpose of Deputation (Duty) Allowance. However, if such a proforma Promotion under NBR is in a Level of the pay matrix which is equal to or below that of the ex-cadre post, Deputation (Duty) Allowance shall be admissible on the basic pay of the parent cadre post allowed under the proforma promotion, if opted by the deputationist.
- Note 4** In case of Reverse Foreign Service, if the appointment is made to post whose pay structure and / or Dearness Allowance (DA) pattern is dissimilar to that in the parent organisation, the option for electing to draw the basic pay in the parent cadre [alongwith the Deputation (Duty) Allowance thereon and the personal pay, if any] will not be available to such employee.
- Note 5** The term ‘same station’ for the purpose will be determined with reference to the station where the person was on duty before proceeding on deputation.
- Note 6** Where there is no change in the headquarters with reference to the last post held, the transfer should be treated as within the same station and when there is change in headquarters it would be treated as not in the same station. So far as places falling within the same urban agglomeration of the old headquarters are concerned, they would be treated as transfer within the same station.

These orders shall take effect from 1<sup>st</sup> July 2017.

(Authority: Railway Board’s letter no. F(E)II/2017/DE/1/2 dated 26.12.2017) (RBE/202/2017)

5.2 Special rates of deputation (duty) allowance may be admissible under separate orders in any particular area on account of the condition of living there being particularly arduous or unattractive. Where special rate is more favourable than that under para 5.1 above, employees deputed to the area will be given the benefit of the special rate.

5.3 Whenever extension of the period of deputation beyond the fifth year or the second year in excess of the period prescribed in the Recruitment Rules is granted, it would be on the specific understanding that the officer would ~~not~~ be entitled to draw deputation (duty) allowance only up to the fifth year, if the deputationist has opted to draw Deputation (Duty) Allowance.. The officers who opted to draw pay in the scale of the ex-cadre post shall however continue to draw pay in that scale during the extended tenure also.

(Authority: Railway Board’s letter no. 2010/F(E)II/1(1)/1 dated 19.06.2017) RBE 58/2017

5.4 If an employee with the permission of the competent authority proceeds on deputation/foreign service from one ex-cadre post to another ex-cadre post in the same or another organization without reverting to his parent cadre, and if the second ex-cadre post is at the same station as the first ex-cadre post, then the rate of deputation (duty) allowance would remain unchanged.

5.5 In cases where a person on deputation/foreign service is transferred by the borrowing authority from one station to another without any change in the post held by him, the rate of deputation (duty) allowance will remain the same as was decided at the time of initial posting and will not undergo any change.

**6. Admissibility of other pay allowances and benefits while on deputation /foreign service.**

6.1 Any project allowance admissible in a project area in the borrowing organization may be drawn in addition to deputation (duty) allowance.

6.2 Any special allowance granted to an employee in the parent department under FR 9 (25) or a corresponding rule of parent organization should not be allowed in addition to deputation (duty) allowance. However, the borrowing department may allow in addition to deputation (duty) allowance under special circumstances any special pay attached to the post held by the employee in his/her Parent Department , by suitably restricting the deputation (duty) allowance. This will require the specific and prior approval of Department of Personnel & Training.

6.3 In case special allowance is attached to the scale of pay of the ex-cadre post and the employee has opted to draw pay also in that scale, in addition to his pay in that scale he will also be entitled to draw such special allowance. However, such special allowance will not be admissible if he has opted to draw pay in the parent cadre scale/grade pay plus deputation (Duty) allowance.

6.4 Personal Pay, if any, drawn by an employee in his parent department will continue to be admissible on deputation/foreign service if he opts to draw pay in the parent cadre scale/grade pay plus deputation (Duty) allowance. No deputation allowance on this personal pay will however, be admissible.

6.5 Increments:--The employee will draw increment in the parent cadre grade or in the scale of pay /grade pay attached to the deputation post as the case may be, depending on whether he has opted for parent cadre pay plus deputation (duty) allowance or the pay scale/grade pay of the deputation post. If he has opted for time scale of the deputation post, notional increment shall also continue to accrue to him in the post held on regular basis in parent cadre/organization for the purpose of regulation of pay on reversion back to parent post at the end of tenure.

**6.6 Admissibility of allowance and benefits while on deputation /foreign service.**

- (a) Such allowances as are not admissible to regular employees of corresponding status in the borrowing organization, shall not be admissible to the officer on deputation/foreign service, even if they were admissible in the parent organization.
- (b) Following allowances will be regulated with mutual consent of the lending and borrowing organization :
  - (i) HRA
  - (ii) Joining Time and Joining Time Pay.
  - (iii) Travelling Allowances and Transfer T.A.
  - (iv) Children Education Allowance
  - (v) LTC.
- (c) Following Allowances/Facilities will be regulated in accordance with the rules as explained against each.
  - (i) Dearness Allowance- The employee shall be entitled to dearness allowance at the rates prevailing in the borrowing organization or in the lending Organisation depending on whether he has opted for to draw pay in the time scale of the ex-cadre post or his own grade pay plus deputation (duty) allowance.
  - (ii) Medical Facilities- This will be regulated in accordance with the rules of borrowing Organisation.

- (iii) Leave- An officer on deputation/foreign service shall be regulated by the leave Rules of the parent Organisation. If however, an employee proceeds from vacation department to non-vacation department, or vice-versa, he shall be governed by leave Rules of the borrowing organization. At the same time of reversion from the deputation post to the parent cadre, the borrowing organization may allow him/her leave not exceeding two months. The employee should apply for further leave to his cadre controlling authority.

#### **6.7 Leave, Salary and Pension Contribution:--**

(i) As at present allocation of leave salary and pension contribution between different Ministries/Departments of Central Government and between Central and State Governments has been dispensed with. In such cases of deputation from Central Government to State Government and vice-versa, liability for bearing leave salary vests with the department from which the officer proceeds on leave or which sanctions leave and no contributions are payable to the lending organization. Liability for pension/employee's contribution to GPF will be borne by the parent department, to which the Officer permanently belongs at the time of retirement and no proportionate contribution will be recovered.

(ii) In case of deputation of Central Government employees on foreign services to Central Public Sector Undertakings/State Public Sector Undertakings and Autonomous Bodies etc. leave salary contribution (except for the period of leave availed on foreign service) and pension Contribution/CPF (Employers share) contribution are required to be paid either by the employee himself or by the borrowing organization to the Central Government.

(iii) In case of reverse deputation from Central Public Sector Undertakings/State Public Sector Undertakings/Autonomous Bodies to Central Government the question regarding leave salary and pension contribution will be decided by mutual consent.

(iv) In case of employees covered under New Pension Scheme (NPS), the borrowing department shall make matching contribution to the NPS account of the employee.

#### **7. Tenure of deputation /foreign service:**

7.1 The period of deputation/foreign service shall be as per the Recruitment Rules of the ex-cadre post or 5 years in case no tenure regulations exist for the ex-cadre post.

7.2 In case where the period of deputation/foreign service prescribed in the Recruitment Rules of the ex-cadre post is 5 years or less than 5 years, the Administrative Ministry/borrowing organization may grant extension upto the 6<sup>th</sup> year after obtaining orders of their Secretary (in the Central Government)/Chief Secretary (in the State Government)/equivalent officer (in respect of other cases) and for the 7<sup>th</sup> year with the approval of the Minister of the borrowing Ministry/Department and in respect of other organisations with the approval of the Minister of the borrowing Ministry/Department with which they are administratively concerned.

(Authority: Railway Board's letter no. F(E)II/2018/Dep./1(1)/1 dated 26.06.2018) RBE 97/2018

7.3 The borrowing Ministries/Departments/Organisations may extend the period of deputation for the 7<sup>th</sup> year or for the second year in excess of the period prescribed in the recruitment Rules where absolutely necessary, subject to the following conditions.

(i) While according extension for the 7<sup>th</sup> year, or the second year in excess of the period prescribed in the Recruitment Rules, the directive issued for rigid application of the tenure rules should be taken into consideration and only in rare and exceptional circumstances such extension should be granted.

(ii) The extension should be strictly in public interest and with the specific prior approval of the concerned Minister of the borrowing Ministry/Department and in respect of other organization, with the approval of the Minister of Ministry/Department with which they are administratively attached.

(iii) Where such extension is granted it would be on the specific understanding that the officer would not be entitled to draw deputation (duty) allowance.



(iv) The extension would be subject to the prior approval of the lending organization, the officer on deputation, and wherever necessary, the approval of UPSC/State Public Service Commission and Appointments Committee of the Cabinet (ACC).

(v) If the borrowing organisation wishes to retain an officer beyond the prescribed tenure, it shall initiate action as above for seeking concurrence of lending organization, individual concerned etc. 6 months before the date of expiry of tenure. In no case it should retain an officer beyond the sanctioned term unless concurrence of lending organization has been received.

7.4 No case of extension shall be referred to the Department of Personnel and Training.

7.5 When extension of period of deputation/foreign service for the first and the second year in excess of period prescribed in the Recruitment Rules is considered by the borrowing organization under powers delegated to them, the period for extension may be so decided upon so as to ensure that officer concerned is allowed to continue on deputation till the completion of academic year in cases where the officer has school/college going children. No proposal for further extension beyond the second year in excess of period prescribed in the RRs shall be forwarded to this Department on the consideration that the officer has school/college going children. Extension beyond this period will be considered only if it is strictly in public interest.

7.6 For computing the total period of deputation/foreign service the period of deputation/foreign service in another ex-cadre post(s) held preceding the current appointment without break in the same or some other organization shall also be taken into account.

7.7 If during the period of deputation/foreign service the basic pay of an employee exceeds the maximum of the scale of pay of the post or the fixed pay of the post, on account of proforma promotion in his cadre under the Next Below Rule or otherwise, the deputation/foreign service of the employee should be restricted to a maximum period of six months from the date on which his pay exceeds such maximum and he should be reverted to his parent department within the said period.

7.8 If during the period of deputation, on account of proforma promotion in the parent cadre under the Next Below Rule, the employee becomes entitled to a scale of pay higher than the scale of pay attached to the ex-cadre post, he may be allowed to complete the normal tenure of deputation subject to 7.7 above but no further extension of the period of deputation should be allowed in such cases.

NOTE: There shall be a mandatory 'cooling off' period of three year after every period of deputation/foreign service for Joint Secretary and below level officers and one year for Additional Secretary level officers. The requirement of cooling off shall, however, not be insisted upon for appointment in personal staff of Union Ministers. However, those officers who have not completed the required 'cooling off' period from previous deputation and are posted in personal staff of Minister will have to revert to their parent cadre once their term in the personal staff of Minister ends for whatever reason. A prior consent may be obtained from such officers that they are willing to be appointed in personal staff of Minister in waiver of "cooling off" requirement, fully aware of the condition that they would be reverted back to their parent cadre once their term in personal staff of Minister ends for whatever reason and they will have to complete the "cooling off" period afresh.

Provided, if an officer is appointed from the personal staff of one Minister to the personal staff of another Minister, the cooling off shall not be insisted upon subject to overall ceiling of 10 years in personal staff of Minister and sub-ceiling of 5 years as PS/OSD.

Provided further that the officers who are appointed in the personal staff of Minister after completion of required cooling off period from the previous deputation can be appointed to another deputation, in continuation of deputation in the personal staff of Ministers, if duly selected, subject to overall ceiling of deputation, other conditions relating to deputation and NOC of the parent cadre/organisation. The admissibility of Deputation (Duty) Allowance will, however, be only upto 5th year counting from the initial deputation."

(Authority: Railway Board's letter no. F(E)II/2018/Dep./1(1)/1 dated 18.10.2018) RBE 159/2018

7.9 (1) A Central Government employee shall be eligible for deputation/foreign service to posts in State Government/ State Government Organisations/Government of UTs/ Government of UT's Organisations/ Autonomous Bodies, Trusts, Societies, PSUs etc. not controlled by the Central Government only after he has completed 9 years of service and is clear from the vigilance angle.

(2) With the approval of Minister relaxation in following cases may be allowed:

a) A Central Government employee after completion of 7 years of service in his/her cadre, may be allowed to go on deputation to any State of North Eastern Region and Jammu and Kashmir and Union Territories of Andaman & Nicobar and Lakshadweep or on foreign service to any entity controlled by and located in the said States/ Union Territories.

b) Central Government employees may be allowed to go on deputation to State Governments /Union Territories or on foreign service to any entity controlled by and located in the States/ Union Territories on spouse ground after completion of 6 years of service in the cadre.

(Authority: Railway Board's letter no. F(E)II/2018/Dep./1(1)/1 dated 05.12.2018) RBE 188/2018

8. Premature reversion of deputationist to parent cadre.

Normally, when employee is appointed on deputation/foreign service, his services are place at the disposal of the parent Ministry/Department at the end of the tenure. However, as and when a situation arises for premature reversion to the parent cadre of the deputationist his services could be so returned after giving advance intimation of reasonable period to the lending Ministry/Department and the employee concerned.

9. Relaxation of conditions.

Any relaxation of these terms and conditions will require the prior concurrence of the Department of Personnel & Training.

### **Section C — Deputation out of India**

**2024. (F.R. 50) -- Sanctioning Authority.--** No deputation of a railway servant out of India shall be sanctioned without the previous approval of the Central Government.

**2025. (F.R. 51) – Pay during deputation out of India –** (1) When a railway servant is, with proper sanction, temporarily deputed for duty out of India either in connection with any special duty on which he may temporarily be placed, he may be allowed by the president to draw during the period of deputation the same pay which he would have drawn had he remained on duty in India.

Provided that a railway servant, who is placed on deputation while already on leave out of India on average pay, may be required by the President to continue to be on leave, in which case he shall be given during that period, in addition to his leave salary, an honorarium of one-sixth of the pay which he would have drawn had he remained on duty in India; the cost of passages from and to India shall be borne by him.

NOTE. - (1) The portion of the pay which a railway servant may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with the orders issued by the President in this regard from time to time.

(2) A railway servant on deputation may also be granted a compensatory allowance in a foreign country of such amount as the President may think fit.

(3) The foreign exchange equivalent of the pay, honorarium or compensatory allowance admissible under sub-rule (1) or sub-rule (2) shall be calculated at such rate of exchange as the President may by order prescribe.

**2026. (F.R. 51-A)** -- When a railway servant is with proper sanction deputed for duty out of India to hold a regularly constituted permanent or quasi-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Central Government.

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# APPENDIX I

## DELEGATIONS MADE BY PRESIDENT WITH REFERENCE TO RULE 103 (11)

S. No.	No. of rule Under which delegation is made	Nature of Power	Authority to which delegated	Extent of power delegated
1	2	3	4	5
1.	103 (31)	Power to declare a railway servant to be a ministerial or non-ministerial servant.	Railway Board	Full power
2.	103(33)	Power to appoint a railway servant to officiate in a vacant post.	Any authority which has a power to make a substantive appointment to the post.	Full power
3.	103 (51)	Power to transfer a railway servant from one post to another.	<p>(1) Railway Board</p> <p>(2) General Managers and Divisional Railway Managers.</p> <p>(3) JAG/Senior Scale Officers.</p> <p>(4) Assistant Officers/Group 'B' Officer</p>	<p>Full power provided that they are authorised to make appointments to both posts concerned.</p> <p>Full powers in respect of posts under their control.</p> <p>Full powers in respect of all Group 'C' staff under their control.</p> <p>Full powers in respect of Group 'C' (level-1) staff under their control.</p>
4.	103(33)	Power to sanction officiating arrangements in place	(1) General Managers	Full powers; provided:

		of staff sent on training or deputation.		(i) The training is on the Railways and not in any outside body, (ii) Officiating Promotions are admissible under the extant rules and order
4(a)	103 (11)	(a) Power for inter-railway transfers postings of Railway Officers upto JA/Selection Grade.  (b) Power for inter-railway transfers/postings of Officers of SAG level . <b>(except DRMs)</b>  (Authority: Railway Board's letter No. 96/O&M/48 dt. 16.9.97 )	Board or DG, Addl. Member Nominated as Cadre Controlling Officer.  Board or Functional Member.	Full Powers  Full Powers
5.	401	Power to retain a railway servant in service after the age of 60 years.	Railway Board	Full Power
6.	(Para 241 already deleted)			
7.	243	Power to transfer lien.	(1) All heads of Department. (2) Dy. General Managers and Divisional Railway Managers.	Full power provided that they are authorised to make appointment to both posts concerned.

8	517	Power to require a Medical certificate of fitness before return from leave.	The authority granting leave	Full power
9.	518	Power to grant extension of leave	The authority which grant leave	Full powers provided that the railway servant on leave will on his return from leave be under the authority's administrative control.

10.	552 and 553	Power to grant works related illness and injury leave	(1) Railway Board (2) General Managers (3) DRM	} Full powers
11	556	(i) Power to grant study leave (Gaz.) (outside India)  (ii) Power to grant study leave (Gaz.) (within India)  (iii) Power to grant study leave (Non-gaz.)	Railway Board  General Manager  (1) General Manager (2) DRM/CWM (3) PHOD/CHOD	Full powers  Full powers  } Full powers

# APPENDIX II

(See Rule 2007 and 2008)

## RATES OF CONTRIBUTION PAYABLE DURING FOREIGN SERVICE

**TABLE 1**

**Rate of monthly contribution for Pension Payable during active Foreign Service in respect of**

Year of service	Group 'A' Employees	Group 'B' Employees	Group 'C' Employees	Group 'D' Group- C Level-1 Employees
1	2	3	4	5
0 – 1 Year	7% of the maximum monthly pay of the post in the officiating / substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service	6% of the maximum monthly pay of the post in the officiating/substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service	5% of the maximum monthly pay of the post in the officiating/substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service	4% of the maximum monthly pay of the post in the officiating/substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service
1-2 Year	7% Do	6% Do	6% Do	4% Do
2-3 "	8% Do	7% Do	6% Do	5% Do
3-4 "	8% Do	7% Do	7% Do	5% Do
4-5 "	9% Do	8% Do	7% Do	5% Do
5-6 "	10% Do	8% Do	7% Do	6% Do
6-7 "	10% Do	9% Do	8% Do	6% Do
7-8 "	11% Do	9% Do	8% Do	6% Do
8-9 "	11% Do	10% Do	9% Do	7% Do
9-10 "	12% Do	10% Do	9% Do	7% Do
10-11 "	12% Do	11% Do	10% Do	7% Do
11-12 "	13% Do	11% Do	10% Do	8% Do
12-13 "	14% Do	12% Do	10% Do	8% Do
13-14 "	14% Do	12% Do	11% Do	8% Do
14-15 "	15% Do	13% Do	11% Do	9% Do
15-16 "	15% Do	13% Do	12% Do	9% Do
16-17 "	16% Do	14% Do	12% Do	9% Do
17-18 "	16% Do	14% Do	13% Do	10% Do
18-19 "	17% Do	15% Do	13% Do	10% Do
19-20 "	17% Do	15% Do	13% Do	10% Do
20-21 "	18% Do	16% Do	14% Do	11% Do

21-22 "	19% Do	16% Do	14% Do	11% Do
22-23 "	19% Do	17% Do	15% Do	11% Do
23-24 "	20% Do	17% Do	15% Do	12% Do
24-25 "	20% Do	17% Do	15% Do	12% Do
25-26 "	21% Do	17% Do	16% Do	12% Do
26-27 "	21% Do	18% Do	16% Do	12% Do
27-28 "	22% Do	19% Do	17% Do	13% Do
28-29 Years	23% Do	19% Do	17% Do	13% Do
29-30 "	23% Do	20% Do	18% Do	13% Do
Over 30 Years	23% Do	20% Do	18% Do	14% Do

NOTE. (1) "Length of service" in column 1 of this table should be taken to mean the entire continuous service of the Railway servant concerned including his service in the pensionable post.

(2) the rates given in this table include an element for extraordinary pensions.

[Railway Board's letter No. F(P)64, PN-1/16, dated 3<sup>rd</sup> August, 1967]  
(No. 379, dated 1<sup>st</sup> January 1972)



**TABLE I-A**

*Rates of monthly contribution for pension payable during active foreign service only in respect of Indian commissioned office.*

Length of service in years	Rate of contribution (Rs.)
0-1	92
1-2	104
2-3	115
3-4	127
4-5	138
5-6	150
6-7	161
7-8	173
8-9	184
9-10	196
10-11	207
11-12	219
12-13	230
13-14	242
14-15	253
15-16	265
16-17	276
17-18	288
18-19	299
19-20	311
20-21	322
21-22	334
22-23	345
23-24	357
24-25	368
25-26	380
Over 26	391

NOTE 1. -Length of service should be taken to be the total length of past service which would count for pension on retirement as an Indian Commissioned Officer.

NOTE 2. -The rates of contribution for pension in this table shall apply to Indian Commissioned officers in permanent railway employ who re transferred to Foreign service in or out of India on after the 1<sup>st</sup> April 1939, or who were already in such foreign service on that date.

NOTE 3. -These rates, which will be payable only during active foreign service cover in all cases, the liability for retiring and disability pensions and gratuities and allowances to children in respect of Indian Commissioned officers transferred to foreign service in any circumstances whatsoever.

[Railway Board's letter No. F41-PN/6(1) dated 22<sup>nd</sup> October, 1941]

## TABLE II

### Rates of monthly contributions for leave-salary, etc., payable during foreign service

#### A. Leave Salary

In respect of railway servants who are governed by Leave Rules (1949).

All railway servants.	11 per cent of pay drawn in foreign service.
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[Railway Board's letter No. F (E) /64/FS/1 dated 20<sup>th</sup> May 1964 , No. 288-RII, dated 25<sup>th</sup> June 1964.]

#### B. DELETED

- C. Passage concession-  
Members of Railway services, Rs. 50 per mensem (Class I )
- Plus any additions contribution at such a rate as may be fixed from time to time. The rates with effect from 11<sup>th</sup> Sept. 1941 are-

Members of Rly. services, Rs.30 (per mensem) and non-gazetted railway servant Class.II

(i) in respect of superior passages 70 per cent ( 74 percent in the servants, case of Ist Class C) and

(ii) in respect of non -superior passage 108 per cent.

Note.- (1) The term ' foreign service' used in this appendix is intended to include the period of joining time which may be allowed to a railway servant both on the occasion of his proceeding to and reverting from foreign services and accordingly contributions are leviable in respect of such periods.

(2) Allocation of Leave salary and pensions in respect of railway transferred on deputation to the departments of Central Government and Governments of Union territories with or without Legislatures and vice-versa have been dispensed with from 1-1-1978 in terms of the Ministry of Finance O.M.No. F2 (117) 76/SC dated 26-12-1977 and their O.M. No. S. 11031/78/TA/725 dated 23-2-1979 circulated under Ministry of Rays. letters No.F(E)11/77/IN3/1 dt.15-3-78 and 23-4-1979.

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