

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

No. F(E)III/2008/PN1/6.

NEW DELHI, Dt. 5.10.2008

**The GMs/ FA&CAOs,
All Indian Railways/Production Units,
(As per Mailing List)**

Sub: Institution of proceedings against retired Railway Servants under rule 9 of Railway Services (Pension) Rules, 1993 -- release of pensionary benefits reg.

In terms of Rule 9 of Railway Services (Pension) Rules, 1993, a railway servant against whom departmental or judicial proceedings instituted before his retirement are pending finalization on the date of his retirement, after the final retirement of the railway servant such proceedings shall be deemed to be proceedings under Rule 9 of Railway Services (Pension) Rules, 1993 and he shall be paid provisional pension from the date of retirement upto the date on which final orders are passed by the competent authority after the conclusion of departmental or judicial proceedings.

2. An instance has come to the notice of the Board in that a retired railway servant of a Zonal Railway was issued a Charge Memorandum under rule 9 of Railway Services (Pension) Rules, 1993 after his retirement. Though a decision had been taken before his retirement in consultation with Central Vigilance Commission to proceed against him under Railway Servants (Discipline & Appeal) Rules, 1968 which, due to unavoidable circumstances, could not be implemented before his retirement. However, on his retirement the Railway sanctioned him only the provisional pension. The retired railway servant requested for sanction of final pension and payment of commutation value on the grounds that as on the date of retirement no disciplinary proceedings were pending against him nor he was under suspension.

3. Considering the seriousness of the issue as it involved an important question of policy and interpretation of Rule 9 of Railway Services (Pension) Rules, 1993 and Rule 4 of Railway Services (Commutation of Pension) Rules, 1993, the matter has been examined in consultation with the Department of Pension & Pensioners' Welfare and it is clarified that a railway servant against whom any departmental or judicial proceedings are not pending on the date of retirement or he is not placed

under suspension on the date of retirement, shall not be denied the final pensionary benefits, including commutation of pension, as may be due to him in accordance with provisions contained in Railway Services (Pension) Rules, 1993.

4. Please acknowledge receipt.



(S.SREERAM)
Joint Director Finance (Estt.)
Railway Board.