

RAILWAY SERVICES (EXTRAORDINARY PENSION) RULES, 1993

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RAILWAY SERVICES (EXTRAORDINARY PENSION) RULES, 1993

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules, namely :-

1. Short title and commencement :-

- (1) These rules may be called the Railway Services (Extraordinary Pension) Rules, 1993.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Application :-

These rules shall apply to all railway servants, other than those to whom the Workmens Compensation Act, 1923 (8 of 1923), applies, whether their appointment is permanent or temporary, on time-scale of pay or fixed pay or piece-work rates who are under the rule making control of the President, and who entered or enter railway service on or after the 1st April, 1937, or who having entered such service before the 1st April, 1937, did not hold a lien or a suspended lien on a permanent post on that date.

Note.-No award shall be made under these rules in respect of a railway servant who is deputed on freight service under United Nations' bodies on or after 1st January, 1958 and who is allowed to join the United Nations' Joint Staff Pension Fund as an 'Associate Member.

3. . :-

For the purpose of these rules, unless there is anything repugnant in the subject or context.--

(1) "accident" means,--

(i) a sudden and unavoidable mishap; or

(ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service;

(2) "date of injury" means--

(i) in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of the Medical Board, as the President may fix; and

(ii) in the case of disease, the date on which the Medial Board reports or such earlier date as may be fixed by the President with due regard to the opinion of the Medical Board;

(3) "injury" means an injury as is mentioned in Schedule I, Permanent Total Disablement shall be deemed to result from every injury specified in Part I of Schedule I or from any combination of injuries specified in Part II of that Schedule where the aggregate percentage of loss of earning capacity (percentage of disability) amounts to hundred per cent or more. Every injury specified in Part II of Schedule I shall be deemed to result in Permanent Partial Disablement.

(4) "disease" means a disease as is mentioned in Schedule II;

(5) "Pay" means basic pay as defined in clause (i) of Rule 1303 of the Indian Railway Establishment Code which a person was drawing on the date of his death or injury and also includes non-practicing allowance granted to Medical Officers in lieu of Private Practice :

Provided that in the case of a person remunerated by piece-work rates pay means the average earning of the last six months ending with the date of his death or injury;

(6) "Schedule" means a schedule annexed to these rules;

(7) "Violence" means the act of a person who inflicts an injury on a railway servant--

(i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties; or

(ii) because of anything done or attempted to be done by such railway servant or by any other public servant in the lawful discharge of his duty as such, or

(iii) because of his official position.

4. . :-

(1)

(a) Disablement shall be accepted as due to railway service provided that it is certified that it is due to wound, injury or disease which,-

(i) is attributable to railway service, or

(ii) existed before or arose during railway service and has been and remains aggravated thereby.

(b) Death shall be accepted as due to railway service provided it is certified that it was due to or hastened by,--

(i) a wound, injury or disease which was attributable to railway service, or

(ii) the aggravation by railway service of a wound, injury or disease which existed before or arose during railway service.

(2) There shall be casual connection between,--

(a) disablement and railway service,

(b) death and railway service, for attributability or aggravation to be conceded. Guidelines in this behalf, as provided in the Appendix appended to these rules shall be treated as part and parcel of these rules. Clarification.-It will be seen from the new (revised) Forms C, D and E that these forms of medical certificates have been so designed that they would indicate whether the entitlement criteria laid down in Rule 4 have been satisfied or not, and, therefore, normally, no other separate certificate in that behalf may be necessary. It is essential for the Administrative Officer as well as the Accounts Officer concerned to satisfy themselves that the death or disability is, in fact, attributable to or aggravated by the railway service which alone makes an Extraordinary Pension Award admissible and for that purpose, it is essential for both of these authorities to satisfy themselves in that behalf and certify the nexus and causal connection between disablement and railway service or between death and railway service (as the case may be), in any particular case, as laid down in the Rule 4 on the basis of the medical and other documents regarding the case. If a railway servant had died in such circumstances and that a medical report could not be secured, even then, the nexus and the casual connection between death and railway service has to be established before conceding acceptance of death due to Government service. (Railway Board's letter No. PC III/78/EOP/3 Main, dated 18.12.1981.)

(3) Notwithstanding anything contained in these rules, the degree of default or contributory negligence on the part of a railway servant may be taken into consideration in making an award under these rules in favour of such railway servant, but, shall not be taken into account where such award is made in favour of the family of such railway servant.

Note.--The provisions of this rule shall cover cases of death after discharge or invalidating from service.

5. . :-

No award shall be made under these rules except with the sanction of the President.

6. . :-

Except as otherwise provided in these rules, an award made under these rules shall not affect any other pension or gratuity for which

the railway servant concerned or his family maybe eligible under any other rules for the time being in force; and the pension granted under the provisions of these rules shall not be taken into account for fixing the pay of pensioner in his continued employment or re-employment in railway service.

7. . :-

No award under these rules shall be made in respect of,--

(i) an injury sustained more than five years before the date of application, or

(ii) death which occurred more than seven years,--

(a) after the injury due to violence or accident was sustained; or

(b) after the railway servant was medically reported as unfit for duty on account of the disease of which he died.

8. . :-

All awards under these rules shall be made in India in rupees unless the payee resides permanently and desires payment to be made in a country in which the rupee is not legal tender. In the latter case, the amount of award shall be paid in sterling at the exchange rate of 1s 6d to the rupee.

9. . :-

(1) The percentage of disability due to an injury or injuries shall be as specified in Schedule I, or failing that, as certified by the Medical Authority.

(2) The percentage of disability due to a disease or diseases specified in Schedule II, shall is certified by the Medical Authority.

10. . :-

(1) When disablement of a railway servant is conceded as due to railway service in terms of Rule 4, he shall be awarded disability pension in terms of sub-rule (2) or (3) or lump sum compensation in terms of sub-rule (4) in accordance with the percentage of disability (suffered by him) as certified by the Medical Authority concerned.

(2) If the railway servant is boarded out of railway service on account of his disablement, the quantum of disability pension for cent per cent disability shall be as specified in Schedule III. The

quantum of disability pension for lower percentage of disability shall be proportionately lower, a minima and the maxima given in Schedule III are applicable only for arriving at the monthly disability pension for cent per cent disability and are not applicable in respect of percentage of disability lower than cent per cent.

(3) If the railway servant is boarded out of railway service on account of such disablement, and further, if the percentage of his permanent disability as certified by the Medical Authority is not less than 60 per cent, his monthly disability pension shall be related to the family pension admissible to the widow (as if he had died instead of being disabled).

(4) If the railway servant is retained in spite of such disablement, he shall be paid a compensation in lump sum (in lieu of the disability pension) on the basis of the disability pension admissible to him in accordance with the provision of sub-rule (2), by arriving at the capitalized value of such disability pension with reference to the Commutation Table, in force from time to time.

11. . :-

When death of a railway servant is conceded as due to railway service in terms of Rule 4, his widow and children shall be awarded pensionary benefits in accordance with Schedule IV.

Note.--If a railway servant dies leaving behind two or more widows, the pension admissible under this rule to the widow shall be divided equally among all the widows.

12. . :-

(1) If the deceased railway servant has left neither a widow nor a child, an award may be made to his father and his mother individually or jointly and in the absence of the father and the mother to minor brothers and sisters, individually or collectively, if they were largely dependent on the railway servant for support and are in pecuniary need :

Provided that the total amount of the awards shall not exceed one-half of the pension that would have been admissible to the widow under Rule 11.

(2) Any award made under sub-rule (1), shall, in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as the President may by order

prescribe.

Note.--If any of the widows, children, father, mother, minor brothers or sisters is denied any share in the property of the railway servant under a will or deed made by him, such person shall be ineligible to receive any award under these rules and the benefit shall pass on the next person eligible.

13. . :-

(1) A family pension shall take effect from the date following the death of the railway servant or from such other date as the President may decide.

(2) A family pension shall ordinary be tenable,--

(i) in the case of a widow or mother until death or remarriage, whichever occurs earlier;

(ii) in the case of minor son or minor brother, until he attains the age of twenty-five years;

(iii) in the case of an unmarried daughter or minor sister, until marriage or until she attains the age of twenty-five years whichever occurs earlier;

(iv) in the case of a father, life.

Note.--The family pension of a widow shall cease on remarriage, but when such remarriage is annulled by divorce, desertation or death of the second husband, her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.

14. . :-

Notwithstanding anything contained in clause (1) of sub-rule (2) of Rule 13, a widow of an employee who remarries her deceased husband's brother and continue to live a communal life with, or contributes to the support of the dependents of the deceased shall not be disqualified for the grant of extraordinary pension, otherwise admissible to her under these rules.

15. . :-

(1) In respect of matters of procedure, all awards under these rules arc subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are

applicable and are not inconsistent with these rules.

(2) When a claim for any disability pension or family pension arises, the Head of Office of the Department in which the injured or the deceased railway servant was employed shall forward the claim through the usual channel to the Railway Board with the following documents :

(i) a full statement of circumstances in which the injury was received, the disease was contacted or the death occurred.

(ii) the application for disability pension in Form 'A' or as the case may be, the application for family pension in Form 'B' set forth in Schedule V.

(iii) in the case of an injury of railway servant or one who has contacted a disease, a medical report in Form 'C' set forth in Schedule V. In the case of a diseased railway servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the railway servant lost his life in such circumstances that a medical report cannot be secured;

(iv) a report of the Accounts Officer concerned as to whether an award is admissible under the rules and, if so, of what amount.

(3) Where the Railway Board is satisfied on the evidence placed before it by a railway servant in respect of whom a medical report for the purpose of grant of disability or other extraordinary pension has been received by it, of the possibility of an error of judgment in the decision of the Medical Board which examined him, the Railway Board may direct a second Medical Board consisting of members other than those constituted the first Medical Board to examine the officer and submit a report to the Railway Board in the matter; pension shall be granted to the officer in accordance with the decision of the second Medical Board.

16. Application of orders and circulars not barred :-

The provisions of these rules shall be in addition to and not in derogation of, the provisions of any order or circular Issued by the Railway Board and for the time being in force.

17. Repeal and Saving :-

On the commencement of these rules, every rule (including those contained in Volume II of the Indian Railway Establishment Code, Fifth Reprint) in force immediately before such commencement

shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

SCHEDULE 1

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SCHEDULE 2

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SCHEDULE 3

Disability Pension

SCHEDULE 4

Extraordinary Family Pension