

F.P.

**GOVERNMENT OF INDIA (BHARAT SARKAR)**  
**MINISTRY OF RAILWAYS (RAIL MANTRALAYA)**  
**RAILWAY BOARD.**  
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No. F(E)III/99/PN1/21

NEW DELHI

Dt. 09.09.2003

The General Managers & FA&CAOs,  
All Zonal Railways & Production Units.

**Sub:** Payment of dearness relief on family pension to independently employed family pensioners for the period prior to 18.7.1997.

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On acceptance of the recommendations of the Vth Central Pay Commission, instructions were issued vide DOP&PW's O.M. No. 45/73/97-P&PW(G) dated 2.7.1999 and circulated on Railways vide Board's letter No. F(E)III/99/PN1/21 dated 5.8.1999 for payment of dearness relief on family pension at the rates applicable from time to time to employed family pensioners with effect from 18.7.1997.

2. On receipt of references from independently employed family pensioners i.e. those who were not appointed on the Railways on compassionate grounds, for release of dearness relief on family pension for the period prior to 18.7.1997 citing certain Court judgements in support of their claim, the matter has been considered in consultation with the Department of Pension & Pensioners' Welfare. The DOP&PW, while reiterating that there is no change in the position as conveyed in their O.M. dated 2.7.1999 referred to above, have also advised that OAs and Writ Petitions, if any, which are pending or are filed by the employees in this respect, the same may be contested by filing effective counters in consultation with the Law Officers concerned. In cases, where judgements have gone against the extant instructions, immediate action should be taken to obtain stay and to file appeal in defence of the rules, under advice to Board.

Please acknowledge receipt.

  
(S.SREERAM)  
Deputy Director Finance (Estt.) III.,  
Railway Board.

Copy to:

EDPC-I, DPC, EDV(E), DS(D), EDE, EDE(Res), JS, JS(G), JS(E), US(D), Branches - E(G), ERB-III, E(O)I, II, III & (CC), PC-III, IV, V, E(P&A)I, II and ERB-I, V Railway Board.

Copy to DOP&PW with reference to their O.M. No. 42/1/2003-P&PW(G) dt. 13.8.2003.

अपेक्षित विषय के सम्बन्ध में यह सूचित किया जाता है कि बोर्ड के समसंख्यक पत्र दिनांक 5.8.1999 द्वारा परिष्कृत पेंशन एवं पेंशनभोगी कल्याण विभाग के कार्यालय आपन दिनांक 2.7.1999 में जारी किए गए निर्देशों में कोई परिवर्तन नहीं है। कोर्ट में लंबित मामलों में ऊपर अंकित निर्देशों के आधार पर आवश्यक कार्यवाही की जाए।