

R.B.E. No. 79/2005

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

No. F(E)III/ 2003/PN1/5.

NEW DELHI

Dt. 9.05.2005

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

Sub: Grant of compassionate allowance.

References are being received from Zonal Railways, etc., seeking clarification as to whether, compassionate allowance can be sanctioned to the removed/dismissed Railway servants and family pension to the eligible members of the family on the basis of representations received from them and the family after a lapse of many years from the date of removal/dismissal and death, respectively of such removed/dismissed Railway servants. In this respect, attention is invited to Rule 65 of Railway Services (Pension) Rules, 1993. In terms of this rule, if the case of a removed/dismissed Railway servant is deserving of special consideration, the authority competent to dismiss or remove the Railway servant from service may sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both, which would have been admissible to him if he had retired on compensation pension. The power to sanction or otherwise compassionate allowance is a discretionary power vested in the authority competent to remove/dismiss the Railway servant, to be exercised by that authority suo-motu, at the time of passing orders of dismissal or removal from service or immediately thereafter. Hence past cases where the competent authority, in exercise of its discretionary powers, had not sanctioned compassionate allowance at the time of passing orders of removal/dismissal or immediately thereafter, cannot be reopened for review on the basis of representations received from the removed /dismissed employees and members of their family at a later date.

2. The existing guiding principles and procedures for grant of compassionate allowance or gratuity or both are reiterated hereunder for compliance by the concerned authorities:-

- (i) The decision for grant of compassionate allowance or gratuity or both, or otherwise, shall be taken at the time of passing orders of removal/dismissal keeping in view the guidelines given in para 310 of the Manual of Railway Pension Rules, 1950.
- (ii) If no mention about the compassionate allowance, etc. is made by the competent authority while passing orders of removal/dismissal, the concerned Head of Office shall resubmit the case file along with relevant information/guidelines to the concerned competent authority and obtain

its decision for or against sanction of compassionate allowance or gratuity or both.


- (iii) If the decision is for grant of compassionate allowance, etc., necessary action to implement the same shall be taken by the Head of Office based on the decision of the appellate authority on the penalty orders passed by the disciplinary authority.
- (iv) If no appeal is preferred within the target date, sanction order shall be issued immediately thereafter.
- (v) If the appeal is preferred within the target date, and a decision has already been taken for or against sanction of compassionate allowance, etc., and the same is not turned down by the appellate authority, such a decision shall be treated as final and no representation in this respect shall be entertained at a later date.
- (vi) The decision to grant compassionate allowance, etc., shall be communicated through a separate order. This decision shall not form part of the order under which the penalty of removal or dismissal is imposed.

3. Recently, a case has come to the notice of the Board, wherein the competent authority, while imposing the penalty of removal from service on a Railway servant, sanctioned compassionate allowance without verifying the qualifying service rendered by the latter. Compassionate allowance being one of the classes of pensions and a minimum qualifying service of ten years is a prerequisite for sanction of any class of pension, before sanctioning compassionate allowance, it is absolutely necessary for the competent authority intending to sanction compassionate allowance to a person on whom the punishment of removal /dismissal is imposed, to satisfy itself that such a person had rendered not less than 10 years of qualifying service. Board, therefore, desire that the Head of Office should place before the competent authority the information about the qualifying service and other relevant facts concerning the Railway servant either at the time of imposing the penalty of removal/dismissal or immediately thereafter to facilitate that authority to take a decision as regards sanction of compassionate allowance in terms of Rule 65 of Railway Services (Pension) Rules, 1993 and guidelines given in para 310 of Manual of Railway Pension Rules, 1950.

4. Zonal Railway administrations are requested to take note of the position for guidance and compliance.

5. Please acknowledge receipt.

6. Hindi version is enclosed.


(S.SREERAM)
Dy. Director Finance (Estt.)/Ill.,
Railway Board.
..3..

No. F(E)III/ 2003/PN1/5.

NEW DELHI

Dt. 9. 05.2005

Copy to Deputy Comptroller and Auditor General of India (Railways), Room No. 224, Railway Bhavan, New Delhi (40 spares).


(S.SREERAM)

for Financial Commissioner/Railways.

No. F(E)III/ 2003/PN1/5.

NEW DELHI

Dt. 9. 05.2005

Copy forwarded to:

1. The General Secretary, NFIR (with 35 spares)
2. The General Secretary, AIRF (with 35 spares)
3. The Members of the National Council, Departmental Council and Secretary Staff Side, National Council, 13-c, Feroze Shah Road, New Delhi (with 60 spares).
4. The Secretary General, FROA (with 5 spares).
5. The Secretary, RBSS, Group "A" Officers Association.
6. The Secretary, RBSS Group "B" Officers' Association.
7. The Secretary General, IRPOF (with 5 spares)
8. The Secretary, Railway Board Ministerial Staff Association.
9. The Secretary, Railway Board Class IV Staff Association.
10. The President, Indian Railway Class II officers' Association (with 5 spares)
11. The Secretary General, All India RPF Association, Room No. 256-D, Rail Bhavan, New Delhi-110 001. (5 spares)


for Secretary/Railway Board

No. F(E)III/ 2003/PN1/5.

NEW DELHI

Dt. 9. 05. 2005

1. The G.M, N.F Railway(Const.), C.A.O, Southern Railway (Const) and C.A.O. Central Railway (Const.)
2. The FA&CAOs, N.F Railway (Const.) and Southern Railway (Const.)
3. The Director General and Ex.officio General Manager, RDSO/Lucknow.
4. The General Manager and FA&CAO, Metro Railway/Kolkata.
5. The CAO and FA&CAO, COFMOW/New Delhi.
6. The General Manager and FA&CAO, CORE/Allahabad.
7. Director General, Railway Staff College/Vadodara.
8. The CAO(Const.), MTP(R)/Mumbai.
9. The CAO(Const.), MTP(R)/Chennai.
10. The Executive Director, CAMTECH/Gwalior-474020
11. The Director, IRICEN/Pune, IRIEEN/Nasik Road, IRIMEE/Jamalpur, IRISSET/Secunderabad.
12. The Managing Director, IRCON, IRFC, MRVC, IRWO, IRC&TC, CONCOR of India Limited, Executive Director, CRIS.

13. The Chairman -cum-Managing Director, KRC Limited/New Delhi
14. Office of the Chief Project Administrator(Telecom), Indian Railway Central Organisation for Telecom(IRCOT) Consultancy, Shivaji Bridge/New Delhi.
15. The Director(Movement) Railways/Kolkata.
16. The Joint Director, Mil Rail, Ministry of Defence.
17. The Joint Secretary, Iron & Steel, 5 Koila Ghat Street/Kolkata.
18. Chief Mining Advisor, Ministry of Railway, Dhanbad, Bihar
19. The Chairman, RCC, Lok Sabha Secretariat/New Delhi.
20. The Chairman, RCT/Delhi.
21. The Chairman, RRT, Chennai.
22. The Chairman, RRB/Ajmer, Ahmedabad, Allahabad, Bangalore, Bhopal, Bhubaneswar, Chandigarh, Chennai, Kolkata, Jammu, Gorakhpur, Guwahati, Malda, Mumbai, Muzaffarpur, Patna, Ranchi, Secunderabad, and Trivandrum.
23. The Editor, " Bharatiya Rail"
24. The Editor " Indian Railways"
25. Chairman, Passenger Services Committee.
26. Member, Passenger Amenities Committee.
27. The Pay & Accounts Officer, Ministry of Railways(Railway Board)
28. The General Secretary, IRCA/New Delhi.
29. The Chief Commissioner of Railway Safety/Lucknow.
30. Chairman, RITES
31. Chairman, CAT.
32. Computerised Facilitation Counter, Room No.5, Near Gate No.1, Rail Bhavan, New Delhi.
33. Rail Vikas Nigam Ltd., C-2/10, Safdarjung Development Area, Aurobindo Marg, New Delhi.

Copy to:-

1. Shri V.K. Sthanunathan, National President, National Federation of Railway Pensioners, 36, Venkatanarayana Road, T. Nagar, Chennai-600 017.
2. Shri K. Gopinath Menon, The Secretary General, National Federation of Railway Pensioners, Kunnathurmedu, Palghat- 678 013.
3. Shri Y.N.Sastry, President, AIRRF, Rly Block-303, Railway Colony High School, Chilkalguda, Secunderabad-500 025.
4. B. Jayajaya Rao, President, All India Railway Officer's Association, 12-13-268 (505)New, Street-2, Lane 9, Tarnaka, Secunderabad-500 017.
5. The General Secretary, Railway Pensioners' Council Kiran Kutir, Larkania Tola, Katihar.
6. The General Secretary, All India Federation of Pensioners Association, T.P.M Hall, 22, Kavirai Street, Saidapet West, Chennai-600 015.
7. Shri S.S.Ramachandra, Secretary General, All India Central Committee of Pensioners Association. Flat No.144, New Suryakiran Apartments, Plot No. 65, Patparganj, New Delhi-110 092.
8. Shri M.S.Solanki, General Secretary, Central and AIS Pensioners Association, E- i/164, Arena Colony, Bhopal(M.P) 462 016
9. Shri Nirmal Dass Gupta, Vice President, Federation of Central Government Pensioners' Organisation, P-24C, Sagar Manna Road, Kolkata. 700 060

10. Shri B.S Dard, Secretary General, Central Government Pensioners' Association, 1874/2, Sector-64, S.A.S Nagar, Chandigarh 160 061.
11. Shri C.R. Chatwani, Central Government Pensioners' Association, "SHIVANAND", 11/13, Krishna Kunj Society, Chhotunagar-7, Raiya Road, Rajkot 360 001.
12. Secretary General, Bharat Pensioners' Samaj, Post Box 3303, Jangpura Extension, New Delhi-110 014.
13. M/s. Bahri Bros., Publishers, Booksellers and Distributors, 742, Lajpat Rai Market, Delhi-110 006.

Copy to:-

Sr. PPSs/ PPSs/PSs/PAs to: CRB,FC, MT,ME,MS,MM, ML, DG(RHS),DG(RPF), Adv. (S), All Additional Members, Secretary, All Executive Directors, IG/RPSF, JS, JS(G), DS(D), JS(E), DS(G),EDE(N), JDMPP), DE(G), DPC, DE(N), JDE(N), JDE(P&A), JDEGC), JDE(Rep),JDE (Rep)III, JDE(G),JDE(D&A),DPC-I,II, JDE(Gaz),JDE(W), JDE(GP), JDE(Res), DDPC-III,IV, V, DDV(A&P), DDF(E)-I,II, III,JDE(L), DDE(LR)I,II,III, DDE(R)II,DDE(D&A), US(A), US(D),US(E), W.O./Railway Board.
Cash-I,II,III,IV,E(P&A)I/II, E(G), E(NG)I&II, PC-V,IV,III, E(Trg),E(MPP), E(LR)I&II, F(E)-II,I, F(E)Spl, Security(E), Security(ABE), Accounts-III(with 10 spares), Accounts (Insp.), ERB-I,II,III,IV,V&D, G(Pass),G(Acc), E(Welfare), E(SCT) I & II, E(O)I,II,III&III(CC), E(GR)I,II, E(GP),E(GC), PR, E(D&A), Budget, O&M, Code Revision Cell(with 2 spares), Acs-II, PG, E(Rep)-I,II,III Railway Board.

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

सं. एफ (ई) III/2003/पी एन 1/5

नई दिल्ली, दिनांक 9.5.2005

महाप्रबंधक/विस एवं मुलेधि,
सभी भारतीय रेलें/उत्पादन इकाइयां
(डाक सूची के अनुसार).

विषय : अनुकंपा भत्ता प्रदान करना.

क्षेत्रीय रेलों से प्राप्त विभिन्न पत्रों के माध्यम से यह स्पष्टीकरण मांगा जा रहा है कि रेल सेवा से हटाए गए/पदच्युत किए गए रेल सेवकों तथा उनकी मृत्यु के बाद उनके परिवार के पात्र सदस्यों से कई वर्ष के बाद प्राप्त अभ्यावेदनों के आधार पर क्या ऐसे रेल सेवा से हटाए गए/पदच्युत किए गए रेल सेवकों तथा उनके परिवार को क्रमशः अनुकंपा भत्ता तथा परिवार पेंशन प्रदान किया जा सकता है/की जा सकती है. इस संबंध में, रेल सेवा (पेंशन) नियम, 1993 के नियम 65 की ओर ध्यान दिलाया जाता है. इस नियम के अनुसार, रेल सेवा से हटाए गए/पदच्युत किए गए किसी रेल सेवक का मामला यदि ऐसा हो कि उस पर विशेष विचार किया जा सकता हो तो सेवा से रेल सेवक को पदच्युत अथवा हटाने वाला सक्षम प्राधिकारी पेंशन अथवा उपदान अथवा दोनों, जो उसे स्वीकार्य हुआ होता यदि वह प्रतिकर पेंशन पर सेवानिवृत्त हुआ होता, के दो तिहाई से अनधिक तक का अनुकंपा भत्ता मंजूर कर सकता है. अनुकंपा भत्ते को मंजूर करने अथवा इंकार करने की शक्ति उस प्राधिकारी के विवेकाधिकार में निहित है जो रेल सेवक को हटाने/पदच्युत करने में सक्षम है, जिसका प्रयोग उस प्राधिकारी द्वारा अपनी ओर से, रेल सेवा से हटाने अथवा पदच्युत करने के आदेश पारित करते समय अथवा उसके तत्काल पश्चात किया जाता है. अतः उन पिछले मामलों को, जिनमें सक्षम प्राधिकारी ने अपने विवेकाधिकार का प्रयोग करते हुए सेवा से हटाए जाने/पदच्युति के आदेश पारित करते समय अथवा उसके तत्काल पश्चात अनुकंपा भत्ता मंजूर नहीं किया था, हटाए गए/पदच्युत कर्मचारियों तथा उनके परिवार के सदस्यों से बाद में प्राप्त अभ्यावेदनों के आधार पर, समीक्षा के लिए पुनः खोला नहीं जा सकता.

2. अनुकंपा भत्ता अथवा उपदान या दोनों प्रदान करने की मौजूदा दिशानिर्देशात्मक सिद्धांतों एवं कार्यविधियों को संबंधित प्राधिकारियों द्वारा पालन किए जाने के लिए यहां पुनः दोहराया जाता है.

हटाए जाने/पदच्युति का दंड लगाया गया है, को अनुकंपा भत्ता मंजूर करने वाले सक्षम प्राधिकारी के लिए यह पूर्णतया आवश्यक है कि वह इस बात की स्वयं संतुष्टि कर ले कि उस व्यक्ति ने 10 वर्ष की अर्हक सेवा से कम सेवा नहीं की है. अतः बोर्ड चाहता है कि कार्यालयाध्यक्ष रेल सेवक की अर्हक सेवा तथा उससे संबंधित अन्य संबद्ध तथ्यों के बारे में सूचना या तो सेवा से हटाए जाने/पदच्युति की शास्ति लगाते समय अथवा उसके तत्काल बाद सक्षम प्राधिकारी के सम्मुख रखे ताकि उस प्राधिकारी को रेल सेवा (पेंशन) नियम, 1993 के नियम 65 तथा रेल पेंशन नियम, 1950 की नियमावली के पैरा 310 में दिए गए दिशानिर्देशों के अनुसार अनुकंपा भत्ता की मंजूरी के संबंध में निर्णय लेने में सुविधा हो.

4. क्षेत्रीय रेल प्रशासनों से अनुरोध है कि दिशा-निर्देशन तथा अनुपालन हेतु इस स्थिति को नोट करें.

5. कृपया पावती दें.

एस. श्रीराम
(एस. श्रीराम)

उप निदेशक/वित्त (स्था)III
रेलवे बोर्ड.