

R.B.E. No. 197/2005

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

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No. F(E)III/2005/PN1/37.

NEW DELHI

Dt. 17.11.2005

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

**Sub:** Acceptance of Legal guardianship provided under National Trust Act, 1999 for grant of family pension to mentally retarded son/daughter of a railway servant.

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In terms of proviso to Rule 75 (6) of Railway Services (Pension) Rules, 1993 as amended vide Gazette Notification No. F(E)III/94/PN1/31/Amendment dt. 3.2.1995 and No. F(E)III/99/PN1/38/Modification dated 23.5.2000, family pension for life in respect of mentally retarded son or daughter shall be payable to a person nominated by the railway servant or the pensioner, as the case may be, and in case no nomination was furnished to the Head of Office by such Railway servant or pensioner during his/her life time, to the person nominated by the spouse of such Railway servant or family pensioner, as the case may be, later on. In case no nomination was filed by the Railway servant or the pensioner, as the case may be, or by the spouse or family pensioner later on, family pension in respect of mentally retarded son or daughter shall be paid through the guardian, as if he/she were a minor, on the basis of guardianship certificate or the guardian appointed by a Court.

2. Instances of non-acceptance by certain Zonal Railways of the guardianship certificate issued by the Local Level Committee headed by the District Collector constituted under the National Trust Act, 1999 for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, have come to the notice of Board. Board desire that in those cases where the Railway servant or the pensioner or the spouse, or the family pensioner, as the case may be, did not nominate a person to receive family pension for life in respect of his/her mentally retarded son or daughter, family pension may be sanctioned and released through the person in favour of whom Legal Guardianship has been provided duly stating the purpose as for receipt of family pension, by the Local Level Committee, a statutory body constituted under the National Trust Act, 1999, without insisting on guardianship certificate from a Court.

3. Please acknowledge receipt.

4. Hindi version is enclosed.

  
**(S. SREERAM)**  
**Joint Director Finance (Establishment)**  
**Railway Board.**



No. F(E)III/2005/PN1/37.

NEW DELHI

Dt.17. 11.2005

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/2005/PN1/37.

NEW DELHI

Dt.17. 11.2005

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 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/2005/PN1/37.

NEW DELHI

Dt.17. 11.2005

1. The G.M, N.F Railway(Const.).
2. The Director General and Ex.officio General Manager, RDSO/Lucknow.
3. The General Manager and FA&CAO, Metro Railway/Kolkata.
4. The CAO and FA&CAO, COFMOW/New Delhi.
5. The General Manager and FA&CAO, CORE/Allahabad.
6. Director General, Railway Staff College/Vadodara.
7. The Executive Director, CAMTECH/Gwalior-474020
8. The Director, IRICEN/Pune, IRIEEN/Nasik Road, IRIMEE/Jamalpur, IRISSET/Secunderabad.
9. The Managing Director, IRCON, IRFC, MRVC, IRWO, IRC&TC, CONCOR of India Limited, Executive Director, CRIS.
10. The Chairman -cum-Managing Director, KRC Limited/New Delhi
11. Office of the Chief Project Administrator(Telecom), Indian Railway Central Organisation for Telecom(IRCOT) Consultancy, Shivaji Bridge/New Delhi.
12. The Director(Movement) Railways/Kolkata.
13. The Joint Director, Mil Rail, Ministry of Defence.



14. The Joint Secretary, Iron & Steel, 5 Koila Ghat Street/Kolkata.
15. Chief Mining Advisor, Ministry of Railway, Dhanbad, Bihar
16. The Chairman, RCC, Lok Sabha Secretariat/New Delhi.
17. The Chairman, RCT/Delhi.
18. The Chairman, RRT, Chennai.
19. The Chairman, RRB/Ajmer, Ahmedabad, Allahabad, Bangalore, Bhopal, Bhubaneswar, Chandigarh, Chennai, Kolkata, Jammu, Gorakhpur, Guwahati, Malda, Mumbai, Muzaffarpur, Patna, Ranchi, Secunderabad, and Trivandrum.
20. The Editor, "Bharatiya Rail"
21. The Editor "Indian Railways"
22. Chairman, Passsenger Services Committee.
23. Member, Passenger Amenities Committee.
24. The Pay & Accounts Officer, Ministry of Railways(Railway Board)
25. The General Secretary, IRCA/New Delhi.
26. The Chief Commissioner of Railway Safety/Lucknow.
27. Chairman, RITES
28. Chairman, CAT.
29. Computerised Facilitation Counter, Room No.5, Near Gate No.1, Rail Bhavan, New Delhi.
30. 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 Retired 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), DE (Rep), DE(Res) I & II, DE(GC), JDE(Rep),JDPC-I, JDPC-II, JDE(G),JDE(D&A),DPC-I,II, JDE(Gaz),JDE(W), JDE(GP), JDE(Res), DDF(E)-I,II, JDE(L), JDE(LR), DDE(LR)I,II, DDE(R)II,DDE(D&A), DDE(D&A), US(A), 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.

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भारत सरकार  
रेल मंत्रालय (रेलवे बोर्ड)

आर बी ई सं. 197/2005

सं. एफ (ई)III/2005/पी एन 1/37

नई दिल्ली, दिनांक 17 .11.2005

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

विषय :- रेल सेवक के मंदबुद्धि पुत्र/पुत्री को कुटुंब पेंशन प्रदान करने के लिए राष्ट्रीय न्यास अधिनियम, 1999 के अंतर्गत मुहैया कराई गई कानूनी संरक्षण को स्वीकार करना.

रेल सेवा (पेंशन) नियम, 1993 के नियम 75 (6), जिसे दिनांक 3.2.1995 के राजपत्रित अधिसूचना सं. एफ (ई)III/94/पी एन 1/31/एमेंडमेंट तथा दिनांक 23.5.2000 के सं. एफ (ई)III/99/पी एन 1/38/मेडिफिकेशन के द्वारा यथा आशोधित किया गया है, के अनुसार, मंदबुद्धि पुत्र या पुत्री के संबंध में जिंदगी भर के लिए कुटुंब पेंशन उस व्यक्ति को देय होगी जिसे रेल सेवक या पेंशनभोगी, जैसा भी मामला हो, ने नामित किया हो और यदि ऐसे रेल सेवक अथवा पेंशनभोगी ने अपने जीवनकाल में कार्यालय के प्रधान को कोई नामांकन प्रस्तुत नहीं किया था तो बाद में ऐसे रेल सेवक की/का पत्नी/पति या कुटुंब पेंशनभोगी जैसा भी मामला हो, द्वारा नामित व्यक्ति को देय होगी. यदि रेल सेवक या पेंशनभोगी, जैसा भी मामला हो, या बाद में पत्नी/पति या कुटुंब पेंशनभोगी द्वारा कोई नामांकन दायर नहीं किया था तो मंदबुद्धि पुत्र या पुत्री के संबंध में कुटुंब पेंशन का भुगतान यह मानते हुए कि वह नाबालिग है, संरक्षकता प्रमाणपत्र के आधार पर अथवा किसी न्यायालय द्वारा नियुक्त संरक्षक के माध्यम से किया जाएगा.

2. कतिपय क्षेत्रीय रेलों द्वारा ऑस्टिस्म, सेरब्रल पालसी, मानसिक रूप से अविकसित तथा बहु-अक्षमता से युक्त व्यक्तियों के कल्याण के लिए राष्ट्रीय न्यास अधिनियम, 1999 के अंतर्गत गठित जिला कलेक्टर की अध्यक्षता में बनी स्थानीय स्तर की समिति द्वारा जारी संरक्षकता प्रमाणपत्र को स्वीकार न करने की घटनाएं बोर्ड के नोटिस में आई हैं. बोर्ड चाहता है कि जिन मामलों, में रेल सेवक या पेंशनभोगी या उनकी पति/पत्नी या कुटुंब पेंशनभोगी, जैसा भी मामला हो, ने अपने मंदबुद्धि पुत्र/पुत्री के संबंध में जिन्दगी भर के लिए कुटुंब पेंशन प्राप्त करने हेतु किसी



व्यक्ति को नामित नहीं किया है तो किसी न्यायालय के संरक्षकता प्रमाण-पत्र पर जोर डाले बिना कुटुंब पेंशन को स्वीकृत और उस व्यक्ति के माध्यम से रिलीज किया जा सकता है जिसे राष्ट्रीय न्यास अधिनियम, 1999 के अंतर्गत गठित एक सांविधिक निकाय, स्थानीय स्तर की समिति, द्वारा कुटुंब पेंशन की प्राप्ति के उद्देश्य का विधिवत रूप से उल्लेख करते हुए कानूनी संरक्षक बनाया गया है.

कृपया पावती दें.

संयुक्त निदेशक वित्त (स्थापना)  
रेलवे बोर्ड.

संयुक्त निदेशक वित्त (स्थापना)  
रेलवे बोर्ड.