



**दक्षिण रेलवे/SOUTHERN RAILWAY**

No.P(R)500/P/Vol.VI

प्रधान कार्यालय/Headquarters Office  
कार्मिक शाखा/ Personnel Branch  
चेन्नै/ Chennai - 600 003  
दि./ Dated: 13-11-2013

**आर बी ई सं/RBE No. 96 / 2013**

**पी बी सी सं/ PBC No. 143 / 2013**

All PHODs / DRMs / CWMs / CEWE / CAO / CPM / Dy.CPOs / Sr.DPOs /  
DPOs / SPOs / WPOs / APOs of HQ / Divisions / Wokshops / other Units, etc.,  
(As per mailing list -'A')

विषय/Sub: Rules further to amend the Railway Services  
(Extraordinary Pension) Rules,1993

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A copy of Railway Board's Notification of Part II, Section 3, Sub-Section  
(ii) OF THE GAZETTE OF INDIA under letter No. 2011/F(E)III/1/(3)/5 dated  
23-09-2013 (RBE No. 96 / 2013) on the above subject is enclosed for  
information, guidance and necessary action.

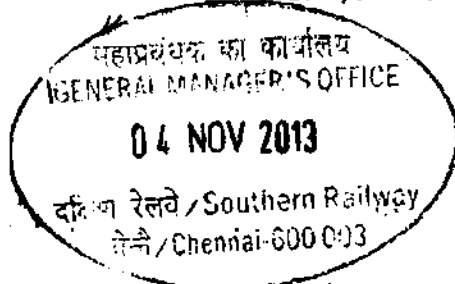
(V.SRINIVASAN)

वरिष्ठ कार्मिक अधिकारी/नियम  
Senior Personnel Officer/Rules  
कृते मुख्य कार्मिक अधिकारी  
For Chief Personnel Officer

संलग्न/Encl: as above

प्रतिलिपि/Copy to : The Genl Secy / SRMU  
The Genl Secy / AISCSTREA  
The Genl Secy/ AIOBCREA  
The Genl Secy/NFIR

## PART II, SECTION 3, SUB-SECTION (II) OF THE GAZETTE OF INDIA



GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

## Notification

New Delhi, dated the 23.09.2013.

S.O. - In exercise of the power conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Railway Services (Extraordinary Pension) Rules, 1993, namely: -

1. (1) These rules may be called the Railway Services (Extraordinary Pension) (Amendment) Rules, 2013.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Railway Services (Extraordinary Pension) Rules, 1993, -

(i) for rule 2, the following rule shall be substituted, namely:-

"2. Application.— These rules shall apply to all railway servants, other than those to whom the Employees Compensation Act, 1923 (8 of 1923) applies (subject to para 6 of Schedule III) whether their appointment is permanent or temporary, on the scale of pay or fixed pay or piece-work rates who are under the rule making control of the President of India:

Provided that nothing contained in these rules shall apply to the railway servants appointed on or after the 1<sup>st</sup> day of January, 2004.

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

(ii) for rule 5, the following rule shall be substituted, namely:-

"5. The Ministry of Railways shall have the power to grant disability or family pension covered under these rules and shall exercise these power, wherever necessary, in consultation with the Financial Commissioner, but the cases which are not covered strictly in terms of the Government guidelines and instructions, reference shall be made to the Department of Pension and Pensioners' Welfare.";

(iii) rule 8 shall be omitted;

(iv) in rule 9, after sub-rule (2), the following shall be inserted, namely: -

(3) The extent of disability or functional incapacity shall be determined in the following manner for purposes of computing the disability element forming part of benefits:-

Percentage of disability assessed by Medical Board	Percentage to be reckoned for computation of disability element.
upto 50	50
More than 50 and upto 75	75
More than 75 and upto 100	100

Provided that the above broadbanding shall not be applicable to railway servants who are retained in service.

Note 1: The findings of the Medical Board on the extent of disability may be treated as final and binding unless the employee himself seeks a review by preferring an appeal to an Authority immediately superior to the one who had constituted the Board and in case the appeal is accepted and a review Medical Board is constituted, the findings of the Board shall be binding on all parties.

The extent of disability as determined and accepted shall be treated as final and the employee shall not be required to appear before the Medical Board periodically for the purpose of obtaining a certificate that the disability continues to persist.

Note 2: A railway servant may appeal against the decision of the Medical Board which examined him for the purpose of this rule:

(i) The findings of the examining Medical Board shall be made known to the railway servant concerned as soon as possible after the receipt of the medical report by the Head of the Office or Department and the railway servant concerned shall, if he desires to appeal against such decision, do so together with requisite evidence in support of his case within one month from the date on which the findings of the Medical Board were made known to him. Ordinarily there is no right of appeal from the findings of an examining medical authority, but if Government is satisfied on the evidence placed before them by the railway servant concerned, of the possibility of an error of judgment in the decision of the examining medical authority, it shall be open to them to allow re-examination by a second Medical Board.

(ii) If any medical certificate is produced by the railway servant as a piece of evidence about the possibility of an error of judgment in the decision of an examining medical authority who had examined him in the first instance, the certificate shall not be taken into consideration unless

it contains a note by the medical practitioner who gave the certificate to the effect that it has been given in full knowledge of the fact that the person concerned has already been examined by a Medical Board who have given their opinion as to the injury or disease in respect of which the railway servant had applied for benefits under extraordinary circumstances.

(iii) The expenditure incurred in assembling the Review Board shall be borne by the Government, provided that the railway servant shall be required to pay a prescribed fee which shall be refunded if his appeal is upheld by the Review Board.

(iv) To ensure uniformity of procedure, all appeals shall at first be referred to the Ministry of Railways who shall advise on the evidence produced as to whether there is an error of judgment on the part of the examining Medical Board who first conducted the Medical examination and whether the appeal shall be accepted or not and if accepted, by whom such re-examination shall be conducted.";

(v) for rule 10, the following rule shall be substituted, namely:-

"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 lump sum compensation in terms of sub-rule (3) of this rule 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 one hundred per cent disability shall be as specified in SCHEDULE III and the quantum of disability pension for lower percentage of disability shall be, "proportionately lower" in accordance with the provisions of rule 9.

(3) If the railway servant is retained in service in spite of such disablement, he shall be paid a compensation in lump sum (in lieu of the disability pension) on the basis of disability pension admissible to him in accordance with the provisions 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:

Provided that the broadbanding as provided in sub-rule (3) of rule 9 shall not be applicable in such cases." ;

(vi) after rule 10, the following rule shall be inserted, namely :-

"10 A. The pensioner who are drawing disability pension under the provisions of rule 10 for one hundred per cent disability and are completely dependent on other for day to day activities, shall also be granted in addition to disability pension, the Constant Attendant Allowance in accordance with the instructions issued from time to time." ;

(vii) in rule 11, for the word and figure "schedule IV", the word and figure "schedule III" shall be substituted;

(viii) for rule 12, the following rule shall be substituted, namely :-

it contains a note by the medical practitioner who gave the certificate to the effect that it has been given in full knowledge of the fact that the person concerned has already been examined by a Medical Board who have given their opinion as to the injury or disease in respect of which the railway servant had applied for benefits under extraordinary circumstances.

(iii) The expenditure incurred in assembling the Review Board shall be borne by the Government, provided that the railway servant shall be required to pay a prescribed fee which shall be refunded if his appeal is upheld by the Review Board.

(iv) To ensure uniformity of procedure, all appeals shall at first be referred to the Ministry of Railways who shall advise on the evidence produced as to whether there is an error of judgment on the part of the examining Medical Board who first conducted the Medical examination and whether the appeal shall be accepted or not and if accepted, by whom such re-examination shall be conducted.";

(v). for rule 10, the following rule shall be substituted, namely:-

"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 lump sum compensation in terms of sub-rule (3) of this rule 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 one hundred per cent disability shall be as specified in SCHEDULE III and the quantum of disability pension for lower percentage of disability shall be, "proportionately lower" in accordance with the provisions of rule 9.

(3) If the railway servant is retained in service in spite of such disablement, he shall be paid a compensation in lump sum (in lieu of the disability pension) on the basis of disability pension admissible to him in accordance with the provisions 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:

Provided that the broadbanding as provided in sub-rule (3) of rule 9 shall not be applicable in such cases." ;

(vi) after rule 10, the following rule shall be inserted, namely :-

"10 A. The pensioner who are drawing disability pension under the provisions of rule 10 for one hundred per cent disability and are completely dependent on other for day to day activities, shall also be granted in addition to disability pension, the Constant Attendant Allowance in accordance with the instructions issued from time to time." ;

(vii). in rule 11, for the word and figure "schedule IV", the word and figure "schedule III" shall be substituted;

(viii) for rule 12, the following rule shall be substituted, namely :-

"12 (1) If the deceased railway servant has left neither a widow nor a child, an award shall be made to his parent or parents and in the absence of the parent or parents to his minor brothers and sisters in accordance with SCHEDULE III hereto annexed, if they were largely dependent on the railway servant for support and are in pecuniary need:

Provided that the amount of the award to minor brothers or sisters 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) of this rule 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, parents, 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 to the next person eligible." ;

(ix). in rule 13, for sub-rule (2), the following sub-rule shall be substituted, namely :-

"(2) A family pension shall ordinarily be tenable –

- (i) in the case of a widow or mother until death or re-marriage, whichever occur earlier;
- (ii) in the case of minor son or minor brother, until he attains the age of twenty five year ;
- (iii) in the case of daughter during the period she is eligible for family pension under the Railway Services (Pension) Rules, 1993 ;
- (iv) in the case of sister, until marriage or until she attains the age of twenty-five year , whichever occur earlier;
- (v) in the case of a father, life.";

(x). in rule 15, -

(a) for sub-rule (1), the following sub-rule shall be substituted, namely :-

"(1) In respect of matters of procedure, all awards under these rules are subject to any procedure or rules relating to ordinary pensions for the time being in force, to the extent that such procedure or rules are applicable and are not inconsistent with these rules and also, if eligibility concerning pension is not covered under these rules but covered under the Railway Services (Pension) Rules, 1993, the Railway Services (Pension) Rules, 1993 shall be applicable, provided it is not repugnant to or inconsistent with the provisions of these rules.";

(b) sub-rule 5 shall be re-numbered as sub-rule (3) thereof and in sub-rule(3) as so re-numbered for the words "Railway Board", wherever they occur, the words "sanctioning authority" shall be substituted;

(xi) for Schedule III, the following schedule shall be substituted namely :-

### **"Schedule III**

For determining the compensation payable for death or disability under different circumstances, the cases are categorised in five distinct categories, namely:-

**Category 'A'** - Death or disability due to natural causes not attributable to Government service, e.g. chronic ailments like heart and renal diseases, prolonged illness, accidents while not on duty, etc.

**Category 'B'** - Death or disability due to causes which are accepted as attributable to or aggravated by Government service because of continued exposure to a hostile work environment, subjected to extreme weather conditions or occupational hazards resulting in death or disability.

**Category 'C'** - Death or disability due to accident in the performance of duties e.g. accident while travelling on duty in Government vehicle or public transport, a journey on duty performed by service aircraft, mishaps at sea, electrocution while on duty, etc.

**Category 'D'** - Death or disability, attributable to acts of violence by terrorists, anti-social elements, whether in performance of official duties or otherwise and apart from cases of death or injury sustained by personnel of the Central Police Organisations while employed in aid of the civil administration in quelling agitation, riots or revolt by demonstrators, other public servants including police personnel, bomb blasts in public places or transport, indiscriminate shooting incidents in public, shall be covered under this category.

**Category 'E'** - Death or disability arising as a result of (a) attack by or during action against extremists, anti-social elements, and (b) enemy action in international war or border skirmishes and warlike situations, including cases which are attributable to (i) extremists acts, exploding mines, while on way to an operational area; (ii) kidnapping by extremists; and (iii) battle inoculation as part of training exercises with live ammunition.

Note 1: Cases under category 'A' are covered under the provisions of the Railway Services (Pension) Rules, 1993.

Note 2: The cases covered under categories 'B', 'C', 'D' and 'E', the family pension or disability pension shall be in the following scales, namely:-

## **1. Family Pension for categories 'B' and 'C'**

(1) Distinction between widows without children or those with children, for determination of the quantum of extraordinary family pension stand abolished. The quantum of monthly extraordinary family pension for all categories of widows shall be in the following manner, namely:-

- (a) where the deceased railway servant was not holding a pensionable post: forty per cent. of basic pay last drawn by the railway servant subject to a minimum of ₹ 4,550; and
- (b) where the deceased railway servant was holding a pensionable post(s): sixty per cent of basic pay last drawn by the railway servant subject to a minimum of ₹ 7,000.

(2) In case where the widow dies or remarries, the children shall be paid family pension at the rates mentioned at (a) or (b) above, as applicable, and the same rate shall also apply to fatherless or motherless children and in both the cases, the family pension shall be paid to children for the period during which they would have been eligible for family pension under the Railway Services (Pension) Rules, 1993 and the dependent parents shall be paid family pension at one-half the rate applicable to widows or fatherless or motherless children.

## **2. Family Pension for categories 'D' and 'E'**

(1) If the railway servant is survived by the widow, she shall be entitled to family pension equal to the pay last drawn by the deceased railway servant and the said family pension shall be admissible to her for life or until her re-marriage.

(2) In the event of re-marriage of the widow, family pension shall be allowed at the rate of family pension and subject to the conditions laid down under the Railway services (Pension) Rules, 1993 from the date following the date of her re-marriage.

(3) In the event of re-marriage of the widow or if the railway servant is not survived by a widow but is survived by a child or children, all children together shall be eligible for family pension at the rate of sixty per cent. of basic pay, subject to a minimum of ₹ 7,000 and the family pension shall be payable to the children from the period during which they would have been eligible for family pension under the Railway Services (Pension) Rules, 1993.

(4) When the railway servant dies as a bachelor or as a widower without children, dependent pension shall be admissible to the parents without reference to pecuniary circumstances, at the rate of seventy five per cent. of pay last drawn by the deceased railway servant for both parents and at the rate of sixty per cent. of pay last drawn by the deceased railway servant for a single parent and on the death of one parent, dependent pension at the latter rate shall be admissible to the surviving parent.



(5) Where family pension or dependent pension is allowed under these rules, no other family pension or dependent pension shall be admissible under any other order or rules in consideration of death of the same deceased railway servant.

### **3. Disability Pension for categories 'B' and 'C'**

(1) Normal pension at the rate of fifty per cent. of the emoluments or average emoluments received during the last ten months, whichever is beneficial to the railway servant and gratuity admissible under the Railway Services (Pension) Rules, 1993, plus disability pension equal to thirty per cent. of basic pay, for hundred per cent disability shall be admissible and there shall be no condition of minimum qualifying service having been actually rendered for earning pension, if otherwise due and no service gratuity shall be admissible.

2) For lower percentage of disability, the monthly disability pension shall be proportionately lower subject to the provisions of rule 9 and subject to a minimum of ₹ 7,000.

### **4. Disability Pension for category 'D'**

(1) Disability pension comprising a service element equal to the pension at the rate of fifty per cent. of the emoluments or average emoluments received during the last ten months, whichever is beneficial to the railway servant and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service up to the date on which he would have retired in the normal course and disability element equal in amount to normal family pension shall be admissible and there shall be no condition of minimum qualifying service having been actually rendered for earning pension, if otherwise due.

(2) For lower percentage of disability, the disability element shall be proportionately lower subject to the provisions of rule 9.

### **5. Disability Pension for category 'E'**

(1) Disability pension comprising a service element equal to the pension at the rate of fifty per cent. of the emoluments or average emoluments received during the last ten months, whichever is beneficial to the railway servant and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service up to the date on which he would have retired in normal course and disability element equal in amount to the pay last drawn in case of hundred per cent. disability shall be admissible and there shall be no upper limit of the 'pay last drawn', i.e. the aggregate of the service and disability elements of pension may exceed the 'pay last drawn' and there shall be no

condition of minimum qualifying service having been actually rendered for earning pension, if otherwise due.

(2) For lower percentage of disability, the disability element shall be proportionately lower subject to provisions of rule 9.

#### **6. Additional benefits under the Employees Compensation Act, 1923 (8 of 1923) for categories 'D' and 'E'**

The railway servants governed by the provisions of the Employees Compensation Act, 1923, shall also be eligible for the awards under these rules and where the benefits admissible under these rules is more than the benefits admissible under the Employees Compensation Act, 1923, the compensation admissible under the said Employees Compensation Act, 1923, shall not be separately payable. However, if the sum admissible under these rules is less than the amount payable as compensation under the Personal Injuries (Compensation Insurance) Act, 1963, (37 of 1963), they shall have a right to receive an amount equal to the difference between the sum admissible under these rules and the amount of compensation payable under the said Acts. For the purpose of determining such difference, the latter amount shall be converted, if necessary, into a recurring monthly payment as in the following illustration, by applying as provided in the table given below:-

#### ***Illustration***

Suppose the lump sum amount is ₹ 2,437 and the age last birthday of the beneficiary is 43 year , the factor given in column (2) against age 43 of the table enclosed is 0.00652957 and the equated monthly installment will be equal to  $2,437 \times 0.00652957$ , i.e., ₹ 15.91 (rounded to the nearest paisa).

Table showing the equated monthly installments payable for life in lieu of a lump sum payment of ₹ . 1 (One rupee) due at ages shown in column. (1).

TABLE

date of death of the employee (x)	birthday of the beneficiary (Rupee)	date of death of the employee (x)	sum payment of one rupee due at age (x) last birthday of the beneficiary (Rupee)
(1)	(2)	(1)	(2)
15	.00471732	46	.00685763
16	.00475242	47	.00697478
17	.00478911	48	.00709629
18	.00482604	49	.00722304
19	.00486170	50	.00735539
20	.00489705		
21	.00493425	51	.00749383
22	.00497370	52	.00763891
23	.00501551	53	.00779068
24	.00505986	54	.00794944
25	.00510711	55	.00811588
26	.00515735	56	.00828975
27	.00521044	57	.00847108
28	.00526648	58	.00866105
29	.00532589	59	.00885957
30	.00538829	60	.00906678
31	.00545532	61	.00928264
32	.00552586	62	.00950790
33	.00560069	63	.00974405
34	.00567982	64	.00999134
35	.00576319	65	.01024980
36	.00585008	66	.01051930
37	.00593983	67	.01080167
38	.00603239	68	.01109777
39	.00612737	69	.01140868
40	.00622483	70	.01173582
41	.00632463	71	.01207896
42	.00642615	72	.01243851
43	.00652957	73	.01281669
44	.00663558	74	.01321462
45	.00674469	75	.01363359."

(xii). Schedule "IV" shall be omitted.

(File No.2011/ F(E)M/1(3)/5)

*Sanjay Lavania*  
**(SANJAY LAVANIA)**  
 Executive Director Finance (Estt.),  
 Railway Board.

Note:- The principal rules were published vide number S.O. 930 (E) dated the 3<sup>rd</sup> December, 1993 and subsequently amended vide numbers S.O. 1654, dated the 15<sup>th</sup> July, 2000 and S.O. 1490(E), dated the 30<sup>th</sup> December, 2003.

(File No.2011/ F(E)II/1(3)/5)

*Sanjay Lavana*  
(SANJAY LAVANIA)  
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