

WESTERN RAILWAY

P.S.No. 67/2013

Headquarter Office,
Churchgate, Mumbai-20

No. E(S)789/6 Vol.II

Date: 4.09.2013

To,
All DRMs / CWMs & Units Incharge,
C/- Genl. Secy., WREU-GTR / WRMS-BCT.
C/- ZG-All India SC/ST Rly Employees. Assn, 'W' Zone, Mumbai
C/- ZG-All India OBC Rly Empl. Assn, Mumbai.

Sub: Grant of family pension and gratuity to the eligible member of the family of an employee/pensioner/family pensioner reported missing – consolidated instructions – regarding.

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A copy of Railway Board's letter No.F(E)III/2009/PN1/7 dtd.15.7.2013 (R.B.E.No.68/2013) is sent herewith for information, guidance and necessary action.

The Board's letter have already been circulated under this office letter number quoted below.

Sr. No.	Board's letter No. & Date.	This office letter No. & date and P.S.No.
1.	No.F(E)III/86/PN dt.19.9.86	No.E(S)789/6 Vol.II dt.13.10.86 (P.S.No.248/86)
2.	No.F(E)III/86/PN dt.27.3.91	No.E(S)789/6 Vol.II dt.18.4.91 (P.S.No.73/91)
3.	No.F(E)III/86/PN dt.21.1.94	No.E(S)789/6 Vol.II dt.7.2.94 (P.S.No.11/94)
4.	No.F(E)III/2009/PN dt.30.4.09	No.E(S)789/6 Vol.II dt.26.6.09 (P.S.No.98/09)
5.	No.F(E)III/2009/PN dt.13.7.2010	No.E(S)789/6 Vol.II dt.14.12.10 (P.S.No.181/2010)
6.	No.F(E)III/2009/PN dt.27.10.11	Circulated by Policy Section No.EP(Sett)789/0 Vol.XXI dt.21.11.2011 (P.S.No.153/2011)
7.	No.F(E)III/2009/PN dt.24.2.12	Circulated by Policy Section No.EP(Sett)789/0 Vol.XXI dt.26.3.2012 (P.S.No.27/2012)

Encl: As above.


(Smruti Jacob)
APO(B&A)
For General Manager.(E)

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

No. F(E)III/2009/PN1/7

New Delhi, Dated: 15.07.2013.

The GMs/PA&CAOs,
 All Indian Railways/Production Units/RDSO,
 (As per mailing list)

Western Railway Mumbai

Subject: Grant of family pension and gratuity to the eligible member of the family of an employee/pensioner/family pensioner reported missing - consolidated instructions - regarding.

A copy of Department of Pension and Pensioners' Welfare (DOP&PW)'s O.M. No. 1/17/2011-P&PW(E) dated 24.06.2013 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also. Rules 50, 54 and 71 of the CCS(Pension) Rules, 1972 referred to therein correspond to Rules 70, 75 and 15 of the Railway Services(Pension) Rules, 1993 respectively.

A concordance of DOP&PW's instructions referred to in the enclosed O.M. and Railway Board's corresponding instructions is given below :-

S.No.	DOP&PW's instructions	Corresponding instructions of Railway Board
1.	1/17/86-P&PW dated 29.08.1986	F(E)III/86/PN1/17 dated 19.09.1986
2.	1/17/86-P&PW(C) dated 25.01.1991	F(E)III/86/PN1/17 dated 27.03.1991
3.	1/17/86-P&PW(E) dated 18.02.1993	F(E)III/86/PN1/17 dated 21.01.1994
4.	1/28/04-P&PW-(E) dated 31.03.2009	F(E)III/2009/PN1/7 dated 30.04.2009
5.	1/28/04-P&PW-(E) dated 02.07.2010	F(E)III/2009/PN1/7 dated 13.07.2010
6.	1/17/2011-P&PW(E) dated 14.09.2011	F(E)III/2009/PN1/7 dated 27.10.2011
7.	1/17/2010-P&PW(E) dated 02.01.2012	F(E)III/2009/PN1/7 dated 24.02.2012

3. Please acknowledge receipt.

D.A.: One.

(SUKHENDER KAUR)
 Joint Director Finance (Estt.),
 Railway Board.

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

सं. एफ (ई)आ/२००९/पीएन१/७

नई दिल्ली, दिनांक: 15.07.2013

महाप्रबंधक/वित्त सलाहकार एवं मुख्य लेखा अधिकारी,
सभी भारतीय रेल/उत्पादन इकाइयां/अखासा।
(डाक सूची के अनुसार)

विषय: गुमशुदा कर्मचारी/पेंशनर/परिवार पेंशनर के परिवार के पात्र सदस्यों को परिवार पेंशन और उपदान प्रदान करने के बारे में सम्बन्धित अनुदेश।

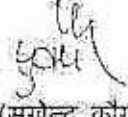
उपर्युक्त विषय पर पेंशन एवं पेंशनर्स कल्याण विभाग (डीओपी एंड पीडब्ल्यू) के दिनांक 24.6.2003 के कार्यालय ज्ञापन सं. 1/17/2011-पी एंड पीडब्ल्यू (ई) की एक प्रति सूचना एवं अनुपालन के लिए संलग्न है। ये अनुदेश यथाचित परिस्थितियों सहित रेलवे पर भी लागू होंगे। रेलवे सेवा (पेंशन) नियम, 1993 के नियम 70, 75 और 15 क्रमशः सीसीएस (पेंशन) नियम, 1972 के नियम 50, 54 और 71 के अनुरूप हैं।

2. संलग्न कार्यालय ज्ञापन में उल्लिखित पेंशन एवं पेंशनर्स कल्याण विभाग के अनुदेश पत्र सं. तथा रेलवे बोर्ड के तदनुसंगी अनुदेश पत्र सं. नीचे आमने-सामने दिए गए हैं।

क्र. सं.	डीओपी एंड पीडब्ल्यू के अनुदेश पत्र सं.	रेलवे बोर्ड के तदनुसंगी अनुदेश पत्र सं.
1.	1/17/86-पी एंड पीडब्ल्यू दिनांक 29.08.1986	एफ (ई)आ/86/पीएन१/७ दिनांक 19.09.1986
2.	1/17/86-पी एंड पीडब्ल्यू (सी) दिनांक 25.01.1991	एफ (ई)आ/86/पीएन१/७ दिनांक 27.03.1991
3.	1/17/86-पी एंड पीडब्ल्यू (ई) दिनांक 18.02.1993	एफ (ई)आ/86/पीएन१/७ दिनांक 21.01.1994
4.	1/28/04-पी एंड पीडब्ल्यू (ई) दिनांक 31.03.2009	एफ (ई)आ/२००९/पीएन१/७ दिनांक 30.04.2009

5.	1/28/04-पी एंड पीडब्ल्यू (ई) दिनांक 02.07.2010	एफ (ई)III/2009/पीएन1/7 दिनांक 13.07.2010
6.	1/17/2011-पी एंड पीडब्ल्यू (ई) दिनांक 14.09.2011	एफ (ई)III/2009/पीएन1/7 दिनांक 27.10.2011
7.	1/17/2010-पी एंड पीडब्ल्यू (ई) दिनांक 02.01.2012	एफ (ई)III/2009/पीएन1/7 दिनांक 24.02.2012

3. कृपया पावती दें।


(सुखेन्द्र कौर)

संयुक्त निदेशक, वित्त (स्थापना),
रेलवे बोर्ड

संलग्नक: एक

REHHSKM:

F.No.1/17/2011-P&PW (E)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

Lok Nayak Bhawan,
Khan Market, New Delhi
Dated: 24th June, 2013

OFFICE MEMORANDUM

23 JUN 2013

Subj: Grant of family pension and gratuity to the eligible member of the family of an employee/pensioner/family pensioner reported missing - consolidated instructions - regarding.

The provisions regarding grant of gratuity and family pension to the members of families of the deceased Government servants/pensioners who were appointed on or before 31st December, 2003 and who are/were born on pensionable establishments are contained in Rules 50-54 of the Central Civil Services (Pension) Rules, 1972. The instructions regarding grant of family pension and gratuity under these rules to the eligible member of the family of an employee reported missing had been issued vide this Department's earlier office memorandum No. 1/17/86-P&PW, dated 29th August 1986. Clarifications/amendments in this regard were issued vide OM No. 1/17/86-P&PW, dated 25th January, 1991 and 18th February, 1993 and OM No. 1/28/14-P&PW(E) dated 31st March, 2009 and 2nd July, 2010. O.M. of even number, dated 14th September, 2011 and OM No. 1/17/2010-P&PW(E), dated 2nd January, 2012.

2. A reference has been received in this Department to clarify whether in a situation where SHO states that FIR is not required to be lodged in the case of person gone missing, the eligible member of the family can be granted family pension. The matter has been examined in consultation with the Ministry of Home Affairs. Section 154 (1) of the Criminal Procedure Code mandates filing of an FIR by the Police authorities on a report received of the commission of a cognizable offence. A missing person per se does not point to commission of a cognizable offence. In view of this, cognizance of a person's disappearance can be taken by the Head of Office on the basis of an authenticated Daily Diary (DD)/General Diary Entry (GDE), filed by the Police authorities concerned, as per the practice prevalent in that State/UT.

3. It has now been decided to issue consolidated instructions in supersession of previous instructions regarding grant of family pension to the eligible members of family of the employee/pensioner/family pensioner reported missing and whose whereabouts are not known. It includes those kidnapped by insurgents/terrorists but does not include those who disappear after committing frauds/crime etc.

4. In the case of a missing employee/pensioner/family pensioner, the family can apply for the grant of family pension, amount of salary due, leave encashment due and the amount of GPF and gratuity (whatever has not already been received) to the Head of Office of the organisation where the employee/pensioner had last served, six months after lodging of Police report. The family pension and/or retirement gratuity may be sanctioned by the Administrative Ministry/Department after observing the following formalities:-

- (i) The family must lodge a report with the concerned Police Station and obtain a report from the Police, that the employee/pensioner/family pensioner has not been traced despite all efforts made by them. The report may be a First Information Report or any other report such as a Daily Diary/General Diary Entry.

(ii) An Indemnity Bond should be taken from the nominee/dependants of the employee/pensioner/family pensioner that all payments will be adjusted against the payments due to the employee/pensioner/family pensioner in case she/he appears on the scene and makes any claim.

5. In the case of a missing employee, the family pension, at the ordinary or enhanced rate, as applicable, will accrue from the expiry of leave or the date up to which pay and allowances have been paid or the date of the police report, whichever is later. In the case of a missing pensioner/family pensioner, it will accrue from the date of the police report or from the date immediately succeeding the date till which pension/family pension had been paid, whichever is later.

6. The retirement gratuity will be paid to the family within three months of the date of application. In case of any delay, the interest shall be paid at the applicable rates and responsibility for delay shall be fixed. The difference between the death gratuity and retirement gratuity shall be payable after the death of the employee is conclusively established or on the expiry of the period of seven years from the date of the police report.

7. Before sanctioning the payment of gratuity, the Head of Office will assess all Government dues outstanding against the employee/pensioner and effect their recovery in accordance with Rule 71 of the CCS (Pension) Rules, 1972 and other instructions in force for effecting such recoveries.

8. The amount of salary due, leave encashment due and the amount of GPF will be paid to the family in the first instance as per the nominations made by the employee/pensioner on filing of a police report and submission of an indemnity bond as indicated above.

9. The benefits to be sanctioned to the family/nominee of the missing employee/pensioner will be based on and regulated by the entitlements drawn by him/her and the rules/orders applicable to him/her as on the last date he/she was on duty including authorised periods of leave.

10. Formats of separate Indemnity Bonds to be used in the case of missing employees, missing pensioners and missing family pensioners are available at this department's website www.persmin.nic.in.

Encl: As above.


(Sujasha Choudhury)
Deputy Secretary
Tel. No. 24635979