

MASTER CIRCULAR

Master Circular No. 9

Irregular Retention in Service Beyond the Age of Superannuation.

The instructions have been issued by the Ministry of Railways from time to time through various circulars/letters on the subject of irregular retention in service of Railway servants who have attained the age of retirement. It has now been decided by the Board to issue a consolidated master circular as below, incorporating all the instructions issued earlier, for the information and guidance of all concerned.

2. Every Railway servant shall demit service on attaining the age of retirement. There should be no case where a Railway servant is allowed to remain in service beyond the date of his superannuation/retirement, except those who have been specifically and specially granted extension of service by the competent authority in public interest.

3. Barring those who have been granted specific and special extension of service, continuance of others in service beyond their age of retirement is irregular. This irregularity could arise due to :

- i. wrong entry of the date of birth of the Railway servant in the personal/official records ;
- ii. non-availability of relevant records ; and
- iii. injunction granted by the Court(s) of Law.

4. To guard against the incidence of cases of irregular retention in service, it is necessary to ensure that the personal records of all Railway servants are maintained Correctly and kept up-to-date. The officers/supervisory staff should be made responsible to keep a check on the entries in the service sheet of the individuals working under them in the month of January every year and prepare a list of those who are due to retire in that year. After preparation of the list, the Railway servants due retirement during that year should be advised of the date of their retirement and their signature obtained in token of having been informed of the date of their retirement. All such lists should be consolidated by the end of March of that year, at the Divisional level/Headquarters level to provide for a complete enumeration of all Railway servants due superannuation in the Year. Thereafter a certificate should be furnished by the Railway to the Board, signed by in authority not lower than the C.P.O. that a list of employees due to retire in the year has been compiled and the competent authority is satisfied with the compilation and its correctness.

[Ref: Board's letter No. E(G)84 RT 2/33 dated 16.02.1985 (RBE 50/1985)]

5. One of the reasons for irregular retention beyond the age of retirement is the order brought by Railway servants from the Court(s) of Law against their retirement on the basis of the date of their birth recorded in service book. It is essential in such cases that the date of birth, recorded in the service register of

the Railway servant is brought to his notice, with the advice that the date of his birth as recorded in the service register having been accepted by him, is final and is not open to challenge in a Court of Law. However, if a case is filed by a Railway servant in a Court of Law, no efforts should be spared in getting the proceedings expedited.

[Ref: Board's letter No. E(G)84 RT 2/33 dated 16.02.1985 (RBE 50/1985)]

6. Instructions exist that advance action should be initiated two years before an employee is due to retire to process the papers for sanction of pensionary benefits. The intention behind these instructions is that apart from providing for the prompt payment of settlement dues, it will also provide the opportunity to locate and assemble the relevant records and to rectify deficiencies, if any, existing in the personal records.

[Ref : Letter No. E(G)78 RT 2/10 dated 03.07.1978]

7. The administrative machinery should be suitably geared to ensure that timely scrutiny and appropriate checks of records are carried out and the measures indicated in the above paras are taken to guard against administrative lapses, leading to irregular retention in service of Railway servants beyond the date of retirement. Where cases of irregular retention in service arise, the matter should be reported to the Board immediately, in the following proforma, to consider how the period involved i.e., of irregular retention in service could be regulated. The General Managers have no powers in this regard.

PROFORMA

1. Name of the employee;
2. Designation;
3. Date of birth;
4. Date of appointment;
5. Date of normal retirement;
6. Actual date of final retirement;
7. Period of excess retention in Year - Months - Days service;
8. Brief history of the case (in a few lines)
9. Reasons for retention in service beyond the age of superannuation;
10. Whether responsibility has been fixed and if so what action has been taken against the staff held responsible;
11. Reasons for making belated reference to the Board;
12. Action taken against the staff responsible for delay;

13. FA & CAO's verbatim remarks;
14. Railway's recommendations/
remarks.

While sending the proposal, the details of the steps taken by the Railway Administration to avoid recurrence in future of lapses leading to irregular retention should also be specifically indicated.

[Ref : Letters No. E(G)78 RT 2/10 dated 15.05.1981,
No. E(G)82 RT 2/17 dated 25.02.1983,
E(G)86 RT 2/30 dated 11.08.1987 (RBE 209/87)
and E(G)87 RT 2/26 dated 16.11.1987 (RBE 279/87)]

The verbatim remarks of the Law Officer should also accompany the reference, where the retention is attributable to legal disputes.

[Ref: Board's letter No. E(G)84 RT 2/33 dated 16.02.1985 (RBE 50/1985)]

8. Wherever cases of irregular retention occur, a serious view should be taken and the staff responsible for lapses leading to the irregular retention should be dealt with under the R.S. (D&A) rules, as for the imposition of a major penalty. The punishment imposed should have a deterrent effect. On such cases coming to notice, opportunity should not be lost to review the existing procedure, with a view to plug all loop-holes.

[Ref: Board's letters No. E(G)86 RT 2/27 dated 17.10.1986,
E(G)86 RT 2/38 dated 30.06.1987 (RBE 169/87)
and E(G)87 RT 2/10 dated 27.11.1987 (RBE 288/87)]

9. Letters on the basis of which this consolidated circular has been prepared and enclosed with this are mentioned in the Annexure.

10.

- i. While referring to this circular, the original circulars mentioned herein should be read for a proper appreciation. This circular is only a consolidation of the instructions issued so far and should not be treated as substituting the originals. In case of any doubt, the original circulars should be relied upon as authority;
- ii. The instructions contained in the original circulars mentioned herein have only prospective effect unless specifically indicated otherwise in the said circulars; and
- iii. If any circular having a bearing on the subject which has not been superseded, has been missed to be taken into consideration in preparing this circular, the said circular, which has been lost sight of should not be ignored but should be treated as valid and operative.

ANNEXURE

Letter No.

Date

1. <u>E(G)78 RT 2-10</u>	03.07.1978
2. <u>E(G)78 RT 2-10</u>	15.05.1981
3. <u>E(G)82 RT 2-17</u>	25.02.1983
4. <u>E(G)84 RT 2-33</u>	16.02.1985 (RBE 50/1985)
5. <u>E(G)86 RT 2-27</u>	17.10.1986
6. <u>E(G)86 RT 2-38</u>	30.06.1987 (RBE 169/87)
7. <u>E(G)86 RT 2-30</u>	11.08.1987 (RBE 205/87)
8. <u>E(G)87 RT 2-26</u>	16.11.1987 (RBE 279/87)
9. <u>E(G)87 RT 2-10</u>	27.11.1987 (RBE 288/87)

Superseded with revised Master Circular issued Vide Railway Board's letter No. E(G)99/ RT 1-1, dated 18.02.2000 (RBE 25/2000).