

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

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

New Delhi, dated: 04.11.2008

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

Sub: Grant of Compassionate Allowance.

In terms of proviso to Rule 65(1) of Railway Services (Pension) Rules, 1993, the authority competent to dismiss or remove a Railway servant from service may, if the case is deserving of special consideration, 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. This is the discretionary power vested in the authority competent to dismiss or remove a 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.

2. Para 1 of Board's letter of even number dated 9.5.2005 stipulates that 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. In this connection, a number of representations have been received from different quarters for reviewing deserving genuine cases where the competent authority had not passed specific orders for or against grant of compassionate allowance. The issue has also been raised in DC/JCM Meeting held in December, 2007.

3. The matter has, therefore, been considered by the Board in consultation with Department of Pension and Pensioners' Welfare and it has been decided to reiterate that in cases where a decision has already been taken by the disciplinary authority not to grant compassionate allowance, such a decision is final, which should not be reviewed at any later stage. However, in partial modification of Board's letter dated 09.05.2005, it has also been decided by the Board that out of the past cases in which the disciplinary authority had not passed any specific orders for or against grant of compassionate allowance, if any case appears to be deserving for consideration being given, may be reviewed by the disciplinary authority concerned on receipt of representations of dismissed/removed

employees or the family members of the deceased employees keeping in view the following conditions:

(i) Only those past cases can be reviewed where records pertaining to D&A proceedings and Service records are available. D&A proceedings are essential to take a fair decision duly considering the gravity of the offence and other aspects involved therein and to confirm that the question of sanction or otherwise of compassionate allowance was not considered by the competent authority at any stage. Service records are essential to adjudge the kind of service rendered by the dismissed/removed employee and to determine the net qualifying service for working out the quantum of compassionate allowance, if sanctioned.

(ii) Each case will have to be considered on its merits and conclusion reached on the question whether there were any extenuating factors associated with the case that would make the punishment of dismissal/removal, which though imposed in the interest of the Railways, appear unduly hard on the individual.

(iii) Not only the grounds on which the Railway servant was removed/dismissed, but also the kind of service rendered should be taken into account.

(iv) Award of compassionate allowance should not be considered if the Railway servant had been dishonest, which was a ground for his removal/dismissal.

(v) Though poverty is not an essential condition precedent to the award of compassionate allowance, due consideration can be made of the individual's spouse and children dependent upon him.

4. On review of such cases, if the competent authority sanctions compassionate allowance to a dismissed/removed Railway servant, the same shall be effective from the date of removal/dismissal. In case the competent authority decides to sanction family pension to the spouse or eligible family member of the deceased Railway servant, compassionate allowance shall be sanctioned notionally from the date of dismissal/removal to make the family eligible for family pension and in such cases family pension shall be payable for the period commencing from the date following the date of death of the removed/dismissed Railway servant.

5. Please acknowledge receipt.

6. Hindi version will follow.


(S.SREERAM)
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Railway Board.