



PBC No:128/2024

SOUTHERN RAILWAY

Headquarters Office,
Personnel Branch,
Chennai – 600 003.
Date:09.07.2024.

No: P(S)/171/Spl.Resn./Policy/2024

All PHODs/DRMs/CWMs/CAOs/CPD/PDA/Dy.CPOs/Sr.DPOs/ Secy to GM,
Chairman/RRB/MAS,TVC, Addl.Registrar/RCT/MAS, Secretary/RRT/MAS,
Principal MDZTI/TPJ, SRCETC/TBM, ZETTC/AVD,
DPOs/SPOs/WPOs and APOs of HQ/Divisions/Workshops/Units.

Sub: Complaints regarding Community Certificate cases.

**Ref: 1.CPO/MAS letter No. P(S)171/Policy/Comm.Veri Dt.24.03.2008
(Circulated as PBC No.41/2008).**

**2. CPO/MAS letter No. P(S)171/P.Com.Ver/2013/Vol.I
Dt.02.08.2016 (Circulated as PBC No.100/2016).**

In the light of the directions of the Railway Board contained in the letters No.2013-E(SCT)I/31/6 dt.18.10.2023, No.2013-E(SCT)I/31/6 dt.21.07.2020 & dt.15.07.2021 and the opinion of ASG vide letters No.ASGL/ARLS/DO/SRly/2024 dt.25.12.2023, dt.23.02.2024 & dt.09.03.2024, in partial modification of PBC No.100/2016, it has been decided that Para 'C' of the said letter may be read as under:

1) Procedure to be followed in cases where an employee is going to retire or already retired from Railway service, against whom verification of the genuineness of the community certificate is pending at SLSC/DLVC with regard to withholding/releasing of settlement dues (other than those cases specified in (2) below):

(i) Action advised in the Railway Board's letter dt.22.03.2022 (*copy enclosed*) should be taken. This letter inter-alia advises that, it is to be ensured that the verification of caste certificate of employees is completed expeditiously and, in any case, well before the date of their superannuation, in accordance with the instructions issued by the Department of Personnel & Training.

As advised in the above cited letter, unless Departmental or Judicial Proceedings are pending against the retiring employee, the Pensionary /Retirement benefits of the retiring employee should not be withheld or delayed on the ground of pendency of verification of caste certificate.

(ii) Where the enquiry/scrutiny of the caste certificate is still pending before the SLSC/DLVC and the retirement benefits have to be paid on account of Rule position as stated above, an Indemnity bond & Undertaking Affidavit as **annexed herein** may be obtained from the retiring employee to the effect that he/she would continue to co-operate with the scrutiny/enquiry before the concerned authorities for verification of caste certificate and in the event of the community certificate is found to be fake or the employee is found not to belong to the community as claimed, the entire retirement benefits would be repaid by him/her with interest.

2) Procedure to be followed in cases where an employee is going to retire or already retired from Railway service, in respect of whom dispute regarding verification of the genuineness of the community certificate is pending before Judicial forum or is arising out of an order of a Court/Tribunal.

(a) These cases can be of the following types:-

- (i) Verification of community status by SLSC/DLVC is already completed and the community status of the employee has been held to be fake or not genuine by SLSC/DLVC and the findings of the SLSC/DLVC has been challenged by the employee before the Court of Law.
- (ii) The decision of the SLCS/DLVC has been challenged by the Railway administration before Court of Law.
- (iii) Cases referred/remanded to SLSC/DLVC as per the directions/orders of the Hon'ble High Court/ Hon'ble Central Administrative Tribunals/ any other Court of Law.

(b) Above such cases are to be treated as "Subjudice" and should be treated as cases where Judicial Proceedings are pending. In such cases, only after finalization of the Judicial Proceedings/Court cases, further action to disburse the retirement benefits should be taken as per Rule 9 (1) of Railway Services (Pension) Rules 1993.

Individual cases may be examined in the light of the above guidelines and suitable decision may be taken by the Pension sanctioning authorities on a case to case basis, duly keeping in mind the pending court cases and orders of the Court of Law.

Encl: As above.

B.INDU Digitally signed
by
B.INDUMATHY
Date: 2024.07.09
17:38:51 +05'30'
MATHY

(B. Indumathy)
Senior Personnel Officer/RP.
for Principal Chief Personnel Officer.

Copy to :

The Genl.Secy./SRMU.
The Genl.Secy./AISCSTREA
The Genl.Secy./AIOBCREA.
The Genl.Secy./NFIR.

Annexure

INDEMNITY BOND

(This deed shall be made on Rs.100/- Non-judicial Stamp Paper)

This deed of Indemnity made on ____ th day of _____, 20____ by Shri/Smt. _____ aged _____ S/o Shri/Smt. _____ residing at _____ who hereinafter shall be referred to as retiring/retired employee as may be read in the context required in favour of the President of India acting through _____, Southern Railway, _____ who shall be hereinafter referred as Employer.

The term retiring/retired employee and the Employer unless repugnant shall mean and include their respective legal heirs, legal representatives and Successors.

The employee retiring/retired from service of Southern Railway on _____ while working as _____ at _____.

Whereas the Employee has submitted Community certificate at the time of entering into service or during the course of service which the Employer has forwarded to State/District Level Scrutiny Committee for verification and the same is pending with them.

Whereas the Employer has agreed to arrange payment of retirement benefits viz. Pension/Family Pension, Commutation, Gratuity, Leave encashment etc., to the retiring/retired employee on his retirement even during pendency of Community Certificate verification with State/District Level Scrutiny Committee. The retiring/retired employee is executing this deed of Indemnity with free will to receive payment of retirement benefits as the Community certificate submitted by him is under scrutiny before State/District Level Scrutiny Committee.

Hence, by this deed the retiring/retired employee shall indemnify and keep the employer indemnified against any loss or damages suffered by the employer owing to payment of retirement benefits viz. Pension/Family Pension, Commutation, Gratuity, Leave encashment etc., that he/she would continue to co-operate with the scrutiny/enquiry before the concerned authorities for verification of caste certificate and in the event of the verification of community certificate issuing authorities observed that retiring/retired employee not co-operates with the respective authorities and if the community certificate is found to be bogus/fake/not genuine or the employee is found not belong to the community as claimed, does not belong to the community mentioned in the certificate produced by him and cancels/confiscate the certificate, the entire retirement benefits, viz. Pension/Family Pension, Commutation, Gratuity, Leave encashment etc., would be repaid by me with prevailing rate of interest fixed by the government to the employer and it shall be recoverable from me or through my legal heirs, as an arrears of land revenue, as per the Revenue Recovery Act-1890.

The Employee/Retired Employee shall give undertaking separately to cooperate with the SLSC/DLVC to dispose the scrutiny of community certificate at the earliest point of time to secure the interest of the employer.

The Employee/Retired Employee shall intimate the progress of the case pending before the scrutiny committee periodically to enable the employer to proceed further.

The Employee/Retired Employee is well aware that if the SLVC/DLVC found that the Employee/Retired Employee does not belong to SC/ST and his/her community is fake/false or bogus/not genuine then appropriate action shall be initiated against me for the recovery of terminal benefits/received by me viz. Pension/Family Pension, Commutation, Gratuity, Leave encashment etc., from the employer including criminal action in terms of Railway Board Letter No.9-E(SCT) 1/31/1 dt 31.05.1990

IN WITNESS WHEREOF, the retiring/retired employee has set his hand hereunto on the day, month and year written above

Signature of the Retiring/
Retired Employee

Witnesses:

1. _____ Name _____, age _____, address _____
2. _____ Name _____, age _____, address _____

Annexure

UNDERTAKING AFFIDAVIT OF

I, _____, S/o _____ aged about ____ years residing at _____ do hereby solemnly affirm and sincerely state as follows

1. I am the deponent herein, I am swearing this Undertaking Affidavit for the purpose of getting terminal benefits, such as viz. Pension/Family Pension, Commutation, Gratuity, Leave encashment etc.
2. I state that the verification of genuineness of my community certificate is pending before the SLSC/DLVC and I shall co-operate with them for the speedy finalization of verification of my community status.
3. I state that I shall intimate the employer the progress of the case periodically to enable the employer to take further course of action.
4. I state that I am well aware of the facts that if the SLSC/DLVC found my community certificate was fake or bogus or not genuine, I or my legal heirs shall repay the entire settlement benefit amount such as viz. Pension/Family Pension, Commutation, Gratuity, Leave encashment etc., and I am also subjected to criminal proceedings. Hence I hereby giving undertaking with free will to comply with the legal requirement.
5. I state that I hereby giving undertaking to appear voluntarily before the employer as and when my presence is necessary to finalize the verification of community status by the concern authorities expeditiously.
6. I state that I hereby giving undertaking that I shall not adopt any illegal methods to defraud the employer for the due realization of settlement amount such as viz. Pension/Family Pension, Commutation, Gratuity, Leave encashment etc., if the community certificate was found fake/bogus/not genuine.
7. I state that I hereby undertake to abide by the terms and conditions of Service Rules on me by the employer concerned with verification of my community certificate by the concern authorities.

Solemnly affirm at _____ and

Before me

Signed his name in my presence on this

____ day of ____ month ____ year

Notary Public/Chennai

GOVERNMENT OF INDIA (भारत सरकार)
MINISTRY OF RAILWAYS (रेल मंत्रालय)
RAILWAY BOARD (रेलवे बोर्ड)

No. D-43/43/2020-F(E)III

New Delhi, dated: 22.03.2022.

The General Managers/Principal Financial Advisors,
All Zonal Railways/Production Units etc.,
DGs of RDSO and NAIR.

Sub:- Non-payment/Delay in payment of retirement benefits on account of delay in verification of Caste Certificate in respect of retiring employees - regarding.

A copy of Department of Pension & Pensioners' Welfare's (DOP&PW) O.M. No.38/09(02)/2020-P&PW(A)(6721) dated 30th November, 2021 is enclosed herewith, which shall apply *mutatis mutandis* on the Railways. Rule 9 and Rule 69 of the Central Civil Services (Pension) Rules, 1972 correspond to Rule 9 and Rule 10 of the Railway Services (Pension) Rules, 1993, respectively.

2. As desired by DOP&PW in para 5 of their O.M. dated 30.11.2021, a Quarterly Report may be furnished in the enclosed *pro forma* to Board's Office starting with the quarter ended on 31.12.2021. The report may be submitted before 07th of the next month of the completed quarter. In case, there are nil cases, a 'Nil Report' be sent.



(Sanjay Prashar)
Deputy Director, Finance (Estt.)III,
Railway Board.

D.A.: As above

No. D-43/43/2020-F(E)III

New Delhi, dated: 22.03.2022

Copy to Deputy Comptroller and Auditor General of India (Railways), Room No.222, Rail Bhavan, New Delhi.


22/03/22


d/c



For Member Finance, Railway Board

New Delhi, dated: 22.03.2022

No. D-43/43/2020-F(E)III

Copy to:-

1. The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi.
2. The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi.
3. The Members of the National Council, Departmental Council and Secretary Staff Side, National Council, 13-C, Feroz Shah Road, New Delhi.
4. The Secretary General, FROA, Room No. 256-A, Rail Bhawan, New Delhi.
5. The Secretary General, IRPOF, Room No. 268, Rail Bhawan, New Delhi.
6. The Secretary, RBSS, Group 'A' Officers Association, Rail Bhawan.
7. The Secretary, RBSS, Group 'B' Officers Association.
8. The General Secretary, RBSSSA, Room No. 451-A, Rail Bhawan, New Delhi.
9. The Secretary, Railway Board Ministerial Staff Association.
10. The Secretary, Railway Board Class IV staff Association.
11. The General Secretary, All India SC/ST Railway Employees Association, Room No. 7, Ground Floor, Rail Bhawan, New Delhi
12. The General Secretary, All India O.B.C. Railway Employees Federation (AIOBCREF), Room No.48, Rail Bhawan.



For Secretary, Railway Board.

No. D-43/43/2020-F(E)III

New Delhi, dated: 22.03.2022

Copy to:- Adv. to MR, EDPG to MR, OSD to MR, OSD (Co-ord) to MR, Addl. PS to MR, PS to MoSR(D), EDPG to MoSR(D), PS to MoSR(J), EDPG to MoSR(J), DPG to MoSR(J).
PSOs/Sr.PPSs/PPSs to CRB, MF, M/O&BD, M/Infra, M/TRS.
DG(RHS), DG/Safety, DG(RPF), DG/HR.
All Addl. Members, PEDs, EDs, JSs, Dir.(Dep.)
Section's Yearly Guard File.

Copy to :-

1. The DGs of IRICEN/Pune, IRIEEN/Nasik Road, IRIMEE/Jamalpur, IRISSET/Secunderabad.
2. The CMDs of Railway PSUs, MDs of NHSRCL, DFCCIL and CRIS, VC of RLDA.
3. Principal CAOs of COFMOW, PLW.
4. The Chairman, RCT/Delhi.
5. The Chairmen of RRBs.
6. The Pay & Accounts Officer, Ministry of Railways (Railway Board)
7. The Chief Commissioner of Railway Safety/ Lucknow

(Copy to Department of Pension & Pensioners' Welfare (DOP&PW) with respect to their O.M. No. 38/09(02)/2020-P&PW(A)(6721) dated 30.11.2021).

फा. न. 38/09(02)/2020-P&PW (A) (6721)

भारत सरकार Government of India

कार्मिक, लोक शिकायत और पेंशन मंत्रालय Ministry of Personnel, PG & Pensions
पेंशन और पेंशनभोगी कल्याण विभाग Department of Pension & Pensioners' Welfare

लोक नायक भवन 3rd Floor, Lok Nayak Bhawan
खान मार्केट, नई दिल्ली Khan Market, New Delhi-110 003

दिनांक Dated: 30.11.2021

कार्यालय ज्ञापन/Office Memorandum

Subject: Non-payment/Delay in payment of retirement benefits on account of delay in verification of caste certificate in respect of retiring employees - Regarding

The undersigned is directed to say that instructions/ orders have been issued by Department of Personnel and Training (DoPT) from time to time for timely initiation/completion of verification of caste certificate of the employees. In spite of these instructions, completion of verification of caste certificate is inordinately delayed and, in many cases, the verification is not completed even till the retirement of the employee and pensionary/retirement benefits of such employees are not released till the completion of verification of caste certificate.

2. This issue has also been raised before the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes and the Committee has taken a serious note of the same. The Committee has directed to sensitize the concerned Ministries/ Departments/ organizations about the need for timely completion of verification of caste certificate and also for timely release of pensionary benefits to the employees in respect of whom verification of caste certificate is delayed due to administrative reasons or lapse.

3. The matter has been examined in this Department. In accordance with Rule 9 and Rule 69 of the Central Civil Services (Pension) Rules, 1972, a provisional pension may be sanctioned to an employee against whom any departmental or judicial proceedings are pending at the time of retirement. In that case, no gratuity shall be paid till the conclusion of the departmental or judicial proceedings and issue of final orders thereon. **The Central Civil Services (Pension) Rules, 1972 or instructions/guidelines issued by this Department, however, do not provide for withholding of the retirement benefits under any other circumstances, including on account of pending verification of caste status of the employee.**

4. All the Ministries/Departments are, therefore, advised to ensure that the verification of caste certificate of employees is completed expeditiously and, in

any case, well before the date of their superannuation, in accordance with the instructions issued by the Department of Personnel & Training. **Unless departmental or judicial proceedings are pending against a retiring employee, the pensionary/ retirement benefits of the retiring employee should not be withheld or delayed on the ground of pendency of verification of caste certificate.**

5. All the Ministries/Departments are also advised to bring these instructions to the notice of the attached/ subordinate offices under their administrative control for strict compliance.

6. All the Ministries/ Departments are directed to submit a quarterly report on number of employees whose pensionary benefits has been withheld due to reason other than pending administrative or judicial proceedings and the reasons thereof.



(Ruchir Mittal)
Director

सेवा में,

The Secretaries of all Ministries / Departments of Government of India

Proforma for Quarterly Report on the details of the retired railway employees whose pensionary benefits have been withheld or delayed on the ground of pendency of verification of caste certificate i.e., due to the reasons other than pending administrative or judicial proceedings

S.No.	Name and Designation of the Retiree	Date of Retirement	Reasons for withholding or delaying the grant of pensionary benefits.