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

No. F(E)III/2005/PN1/35  
New Delhi, dated: 07.07.2011.

The GMs/FA&CAOs, 
All Zonal Railways & Production Units. 
(As per mailing list)  

Subject: Mobility of pensionable personnel between Central Government/Central Autonomous Bodies and State Government – clarification regarding. 

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In terms of the instructions contained in para (iii) of this office letter of even number dated 26.9.2005, which is based on Department of Pension & Pensioners’ Welfare (DOP&PW)’s O.M. No.28/30/2004-P&PW(B) dated 26.7.2005, all the employees who entered into Railway service/Central Government service or the service of an Autonomous Body set up by Central Government on or before 31.12.2003 and who were governed by the old pension scheme under the Railway Services (Pension) Rules, 1993/Central Civil Services (Pension) Rules,1972 and who submit technical resignation on or after 1.1.2004, to take up a new appointment under State Government, will be eligible for grant of pro-rata pensionary benefits for the period of Railway/Central Government or Central Autonomous Body service, on the lines as provided in Rule 53 of the Railway Services (Pension) Rules, 1993 or Rule 37 of Central Civil Services (Pension) Rules,1972, as the case may be, and related orders.

2. Subsequently, DOP&PW, vide their O.M No 28/30/2004-P&PW(B) dated 28.10.2009, circulated vide this office letter of even number dated 4.11.2009, modified their earlier instructions dated 26.7.2005, inter-alia, allowing the continuance of mobility of Government servants/ Autonomous Body employees appointed on or before 31.12.2003 and who were governed by the old non-contributory Pension scheme of their respective Governments/organizations in order to provide for the continuance of pensionary benefits based on combined service in accordance with CCS (Pension) Rules, 1972/Railway Services(Pension) Rules, 1993, between State and Central Government provided the employees were appointed in the State Govt(s) on or before 31.12.2003 and covered under the old pension scheme similar to CCS(Pension)Rules, 1972.

3. Arising out of the modified provisions as stated in para 2 above, a question has been raised as to whether the provisions of continuance of mobility of employees for the purpose of pensionary benefits based on combined service is also applicable in the case of pensionable Central Government
employees/pensionable railway employees governed by the old pension scheme under the CCS(Pension) Rules, 1972/Railway Services (Pension) Rules, 1993, who join State Governments on or after 1.1.2004 after submitting technical resignation from Central Government/Railway service. The matter has been examined in consultation with the DOP&PW, who have clarified that the instructions contained in their O.M. dated 28.10.2009 (circulated vide this office letter of even number dated 4.11.2009) do not specifically cover the Central Government employees leaving the Central Government service and joining the State Government, for the purpose of benefits of combined service for pensionary benefits under the State Government. In terms of DOP&PW's further clarification, in case the provision for giving the benefit of combined service has been made by the State Governments in their rules, such pensionable railway employees may become eligible for combined service benefits for pension purposes. However, a permanent Railway Servant governed by the Railway Services (Pension) Rules, 1993, joining the State Government is free to seek pension/pensionary benefits as per the provision contained in this office letter of even number dated 26.9.2005, as explained in para 1 above.

4. Please acknowledge receipt.

(SUNIL BHARDWAJ)
Deputy Director Finance(Estt.) III,
Railway Board.