

## **Rule 103 of Volume I of the Indian Railway Establishment Code (Fifth Edition-1985)**

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### **103. Definitions.—**

Unless there be something repugnant in the subject or context, the terms defined below are used in this Code in the sense herein explained.

(1) **Accounts officer** means an Officer of the Accounts Department as defined in para 102 of the Indian Railway Code for the Accounts Department.

(2) **The Act** means the Government of India Act, 1935.

(3) **Actual travelling expenses** means the actual cost of transporting railway servant with his domestic servant and personal luggage, including charges for ferry and other tolls and for carriage of camp equipment if necessary. It does not include charges for hotels, travelers bungalows or refreshments or for the carriage of stores or conveyances or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional domestic servants.

(4) **Apprentice** means a person deputed for training in a trade or business with a view to employment in Railway service, who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(5) **Average Pay** means the average monthly pay earned during the 10 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay:

Provided that in respect of any period spent on foreign service out of India the pay which the railway servant would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn:

Provided further that in the case of railway servants entitled to running allowance, average pay for the purpose of leave salary shall include a fixed component representing the pay element in the running allowances, as notified by the Government through administrative instructions from time to time.

(6) **Assistant Officer** means an Officer in Group 'A' drawing pay on the scale applicable to junior scale officers.

(7) **Cadre** means the strength or a service or a part of a service sanctioned as a separate unit.

(8) **Camp equipage** means the apparatus for moving a camp.

(9) **Camp equipment** means tents and the requisites for pitching and furnishing them, or where tents are not carried, such articles of camp furniture as it may be necessary, in the interests of the public service, for a railway servant to take with him on tour.

(10) **Compensatory Allowance** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance.

(11) **Competent Authority** in relation to the exercise of any power under these rules means the President or any authority to which such power is delegated in Appendix VI.

(12) **Constitution** means the Constitution of India.

(13) **Day** means a calendar day, beginning and ending at midnight; but an absence from headquarters which does not exceed twenty-four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.

(14) **Department of a railway administration** means one of the branches constituted for the purpose of conducting the business of the railways.

(15) '**Divisional Officer**' means an officer in group 'A' drawing pay on the scale applicable to senior Scale officer.

(16) **Duty** - (a) Duty includes —

(i) Service as a Probationer or apprentice. Provided that such service is followed by confirmation.

(ii) Joining time.

(b) A competent authority may issue orders declaring that, in circumstances similar to those mentioned below, a railway servant may be treated as on duty—

(i) During a course of instruction or training in India.

(ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University, College or School in India, during the interval between the satisfactory completion of the course and his assumption of duties.

### **GOVERNMENT OF INDIA ORDERS**

(1) **Time spent in attending obligatory Departmental Examinations.**—

A government servant required to attend an obligatory departmental examination, or permitted to present himself at an examination the passing of which is a condition of preferment in Government services, may be treated as on duty during the day or days of the examination and during the reasonable time required for the journey, if any to and from the place of examination.

(G.I., F.D. Memo No. F. 17 R. 1/29 dated 23rd Jan. 1929).

(2) The phrase "**condition of preferment**" used in (1) above covers only compulsory or optional examinations for promotion within the normal scope of the Government servants department or office.

(G.I., F.D. No. F/15(5) R. 1/31 dt. 25th March 1931.)

(3) **Delay in taking charge of the duties.**—

Period of Compulsory waiting by an officer for orders of Government posting him to a particular post, after he had reported should be treated as '**Duty**'.

(G I F.D Res. No. 122 CSR dt. 10th Feb. 1922,  
No.175 C.S.R. dt. 28th Feb. 1922, No. F. 192 C.S.R 25 dt. 20-6-1925.)

(4) **Treating period of training as duty.**-

The authorities competent to appoint the Government servant to the post for which the training is essential may be empowered to treat the period of training or instruction in India of Government servants on duty under this rule subject to the following conditions:

- (a) the training or instruction should be in India;
- (b) the training or instruction should be connected with the post which the Government servant is holding at the time of placing him on training or instruction;
- (c) that it is obligatory on the part of the Government to send the persons for such training or instructions;
- (d) the training should not be in professional or technical subjects which are normally brought under the provisions relating to '**Study Leave**'; and
- (e) the period of training should not exceed one year.

(G.I. M.F. O.M. NJ. F.2(71) Est. III/60, dt. 3rd December, 1960.)

#### **Attending Hindi and other obligatory examination—**

A question has been raised whether a Government servant is expected to report for duty in office either before or after the examination is over, in case the examination, including the viva voce test commences in the forenoon or in the afternoon. It has been decided that

(i) in case where the examination is held in a day both in the forenoon and in the afternoon, the Government servants need not be required to attend office either before or after the examination, and

(ii) in case where the examination is held only in the forenoon or in the afternoon, the Government servants must attend office in the afternoon/forenoon, as the case may be, unless the Head of Office/Department specifically exempts any or all Government servants from such attendance, having regard to the time schedule of this test and the distance between the place of duty and examination.

(G.I. MHA. OM. No. 5/165-H dated 8th June, 1965.)

#### **Audit Instructions**

##### **Scope of the term "probationers"—**

- (a) The term "**probationer**" does not cover a Government servant who holds substantively a permanent post in a cadre and is appointed on probation to another post.
- (b) No person appointed substantively to a permanent post in cadre is a probationer, unless definite conditions (such as the condition that he must remain on probation pending the passing of certain examination) have been attached to his appointment.

(c) The status of the probationer is to be considered as having the attributes of a substantive status except where the rules prescribed otherwise.

(17) **Family** means a railway servant's wife/husband, legitimate children and step children residing with and wholly dependent upon him/her. It also includes parents sisters and minor brothers residing with and wholly dependent upon him/her,

Provided further that for Rule 615 it includes only such of the dependent relatives as are eligible for passes under the Pass Rules.

**Note 1.**—Not more than one wife is included in this term.

**Note 2.**—The term "**legitimate children**" includes those adopted under the law.

(18) **Fee** means a recurring or non-recurring payment to a railway servant from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory whether made directly to the railway servant or indirectly through the intermediary of Government but does not include \_.

a unearned income such as income from property, dividends and interest on securities and

b Income from literary, cultural, artistic, scientific or technological efforts. If such efforts are not aided by the knowledge acquired by the railway servant in the course of his service.

(19) **Foreign Service** means service in which a railway servant receives his pay with sanction of Government from any source other than the Consolidated Fund of India, or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory.

(20) **Gazetted Post** is a post to which appointment is made by notification in the Gazette of India.

(21) **Head of a department** means any authority, which the President may by order declare to be the head of a department for the purpose of these Rules.

(22) **Hill-Station** means any place, which a competent authority may declare to be a hill station.

(23) **Holiday** means (a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and (b) in relation to any particular office, a day on which such office is ordered to be closed by a competent authority for the transaction of Government business without reserve or qualification.

**Note.** — During restricted holidays the office is not closed for transaction of business but they are treated as akin to other closed holidays and can be prefixed or suffixed to regular leave or casual leave.

(24) **Honorarium** means a recurring or non-recurring payment granted to a Railway servant from the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, as remuneration for special work of an occasional or intermittent character.

(25) **Joining time** means the time allowed to a Railway servant in which to join a new post or to travel to or from a station to which he is posted.

(26) **Leave on average (half average) pay** means leave on leave salary equal to average/ half average pay, as regulated by the Railway Leave Rules.

(27) **Leave Salary** means the monthly amount paid by Government to a Railway servant on leave.

(28) **Lien** Lien means the title of a Railway servant to hold on regular basis either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation.

Provided that the title to hold a regular post shall be subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in the grade

**(ADVANCE CORRECTION SLIP NO.70 DATED 05.02.1999)**

(29) **Local Fund** means -

(a) revenue administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of the budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and

(b) the revenues of any body which may be specifically notified by the President as such.

(30) (a) **Military Commissioned Officer** means a commissioned officer other than  
(i) a departmental Commissioned Officer;

(ii) a Commissioned Officer of the Indian Medical Department. It does not include a Warrant Officer.

(b) **Military Officer** means any officer falling within the definition of the Military Commissioned Officer, or included in sub-clause (i) or (ii) of clause (a) above or any Warrant Officer.

(31) **Ministerial servant** means a railway servant of group 'C' whose duties are entirely clerical and other class of railway servants specially defined as such by general or special order of a competent authority.

**Government of India's decision.—**

The President has decided that those members of class II (Group B) service whose duties are predominantly clerical shall be classed as ministerial servants.

(G.I.P.D. letter No. F. 11(6) R I/33 dated 1st April, 1933.)

(32) **Month** meant a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently taking 30 odd numbers of days as a month.

**Audit Instructions**

**Calculation of a period expressed in terms of months and days**

(a) To calculate 3 months and 20 days on and from 25th January the following method should be adopted.

	Y	M	D
25 <sup>th</sup> January to 31 <sup>st</sup> January	0	0	7
February to April	0	3	0
1 <sup>st</sup> May to 13 <sup>th</sup> May	0	0	13
<b>Total</b>	0	3	20

(b) The period commencing on 30th January and ending with 2nd March should be deemed as 1 month and 4 days as indicated below :

	Y	M	D
30 <sup>th</sup> January to 31 <sup>st</sup> January	0	0	2
February	0	1	0
1 <sup>st</sup> March to 2 <sup>nd</sup> March	0	0	2
<b>Total</b>	0	1	4

(33) **Officiating** means the railway servant officiates in a post where he performs the duties of a post on which any other person holds a lien or when a competent authority appoints him to officiate in a vacant post on which no other railway servant holds lien.

(34) **Overseas Pay** means pay granted to a Railway servant in consideration of the fact that he is serving in a country other than the country of his domicile.

(35) **Pay** means the amount drawn monthly by a railway servant as

(i) the pay other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre;

(ii) overseas pay, special pay and personal pay; and

(iii) any other emoluments which may be specially classed as pay by the President.

(36) **Permanent Post** means a post carrying a definite rate of pay sanctioned without limit of time.

(37) **Personal Pay** means additional pay granted to a railway servant—

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

(38) **Post in the Railway Board** means the post of a Member of the Railway Board and includes the post of Chairman, Railway Board and of Financial Commissioner, Railways.

(39) **Presumptive pay of a post.** — When used with reference to any particular railway servant means the pay to which he would be entitled if he held the post substantively and were performing its duties, but it does not include special pay unless the Railway servant performs or discharges the work or responsibility in consideration of which special pay was sanctioned.

**Audit Instructions.**—*The first part of the definition is intended to facilitate the use of the term in relation to a Government servant who has been absent from a post for some time but still retains a lien on it.*

(40) **Probationer** means a railway servant employed on probation in or against a substantive vacancy in the cadre of a department.

(41) **Public conveyance** means a train, steamer or other conveyance, which plies regularly for the conveyance of passengers.

(42) **Railway School** means a school established by a railway or office/project/factory directly under the Railway Board primarily for the benefit of the children of its employees and maintained and entirely controlled by it with or without assistance from revenues of a State or income from other non-railway source. It does not include a school to which a railway merely makes a grant-in-aid.

(43) **Railway servant** means a person who is a member of a service or holds a post under the administrative control of the Railway Board. It also includes a person who is holding the post of Chairman, Financial Commissioner or a Member of the Railway Board. Persons lent from a service or post which is not under the administrative control of the Railway Board to a service or post which is under such administrative control do not come within the scope of this definition. The term excludes casual labour.

(44) **Special Pay** means an addition of the nature of pay, to the emoluments of a post or of a Railway servant, granted in consideration of—

(a) the specially arduous nature of duties; or

(b) a specific addition to the work or responsibility and includes non-practising allowance granted to doctors in lieu of private practice.

**Audit Ruling.**—A provision in the contract of a Government servant appointed to a particular post that he should "also do all things that may be required of him" does not contemplate this being required to perform onerous additional duties in another post without remuneration.

**Government of India Orders.**—The power of granting special pay was defined in this Rule shall be exercised only by *the* authority empowered to regulate the scales of ordinary pay.  
(G.I., H.D. No. F. 272-23 dated 16th December, 1926.)

(45) **Scales of pay -**

'**Authorised scales of pay**' means the scales of pay introduced under the Railway Services (Authorised Pay) Rules, 1960.

**'Revised Scales of Pay'** means the scales of pay introduced under the Railway Services (Revised Pay) Rules, 1973.

(46) **Subsistence grant** means a monthly grant made to a Railway servant who is not in receipt of pay or leave-salary.

(47) **Substantive pay** means the pay other than special pay, personal pay or emoluments classed as pay by the President under Sub-rule 35 (iii), to which a railway servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

**Note:** In the case of a person with a lien on a permanent post under a State Government, 'Substantive Pay' means the 'substantive pay' as defined in the relevant rules of the State Government concerned.

(48) **Temporary post** means a post carrying a definite rate of pay sanctioned for a limited time.

(49) **Tenure post** means a permanent post which an individual railway servant may not hold for more than a limited period.

**Note.**— In case of doubt the President shall decide whether a particular post is or is not a tenure post.

**Railway Ministry's decision.**—The President has decided that there is no objection to a non-gazetted post outside the cadre of a regular service being declared as a tenure post if the conditions so warrant.

(50) (a) **Time-scale pay** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay formerly known as progressive.

(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time scale are identical.

(c) A post is said to be on the same time-scale as another post on a time scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by this position in the cadre, or class and not by the fact that he holds that post.

(51) **Transfer** means the movement of a railway servant from one headquarter station in which he is employed to another such station, either—

(a) to take up the duties of a new post, or

(b) in consequence of a change of his headquarter.

(52) **Travelling allowance** means an allowance granted to a railway servant to cover the expenses, which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances and tents.