

**THE RAILWAY SERVANTS BENEVOLENT FUND
ORDINANCE, 1969**

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**THE RAILWAY SERVANTS BENEVOLENT FUND
ORDINANCE, 1969**

ORDINANCE NO. XIX OF 1969

[17th November, 1969]

**An Ordinance to provide for the constitution of a
Benevolent Fund for relief of Railway Servants and their
families and matters ancillary thereto.**

WHEREAS it is expedient to provide for constitution of a Benevolent Fund for relief of Railway Servants and their families and matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 25th day of March, 1969, read with Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:-

1. (1) This Ordinance may be called the ¹[* * *] ²[* * *] Short title,
extent and
commencement
Railway Servants Benevolent Fund Ordinance, 1969.

³[(2) It applies to every Railway Servant.]

(3) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in Definitions
the subject or context:-

(1) "Board" means the Board of ⁴[Trustees] of the Fund constituted under section 7 of this Ordinance;

¹ The word "Pakistan" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Eastern" was omitted by section 2 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

³ Sub-section (2) was substituted by section 2 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

⁴ The word "Trustees" was substituted for the word "Management" by section 3 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

(2) “Family” means,-

- (a) in the case of a male Railway Servant, wife or wives and in the case of a female Railway Servants, the husband of the Railway Servant; and
- (b) the legitimate children, step-children, parents, minor brothers and sisters of the Railway Servant residing with and wholly dependent upon him or her;

(3) “Fund” means the ¹[* * *] Railway Servants Benevolent Fund constituted under section 3 of this Ordinance,

(4) “Prescribed” means prescribed by rules made under this Ordinance;

²[* * *]

(7) “Railway Servant” means,-

³(a) a person who is a regular employee of the Railway including any one employed against temporary post and also anyone who holds any post in connection with the affairs of the Railway,]

(b) a Railway Servant who has retired from service but the period of his retirement from service does not exceed two years, and includes any such Railway Servants who is-

- (i) on deputation elsewhere or on foreign service within the meaning of the ⁴[* * *] Railway Establishment Code,
- (ii) undergoing study or training in or outside ⁵[Bangladesh],

¹ The words “Pakistan Eastern” were omitted by section 3 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

² Clauses (5) and (6) were omitted by section 3 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

³ Sub-clause (a) was substituted by section 3 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

⁴ The word “Pakistan” was omitted by section 3 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

⁵ The word “Bangladesh” was substituted for the word “Pakistan” by section 3 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

- (iii) on leave,
- (iv) under order of suspension,

but does not include any person employed as work-charged, casual labour and substitute, and the ¹[Director, Railway Audit] and other employees working in his office.

3. (1) As soon as may be after the commencement of this Ordinance, the ²[Government] shall constitute a Fund to be known as the ³[* * *] Railway Servants Benevolent Fund and the Fund shall vest in the Board constituted under section 7 of this Ordinance.

Constitution of
the Fund

(2) The Fund shall consist of,-

- (a) such grants as may, from time to time, be made by the ⁴[Government],
- (b) Compulsory contributions received from Railway Servants at such rates as the ⁵[Government] may from time to time prescribe,
- (c) income from investments made under this Ordinance, and
- (d) any other sum received by the Board from members of the Fund.

(3) All sums credited to the Fund shall be held in such custody and in such manner as may be prescribed.

¹ The words and comma "Director, Railway Audit" were substituted for the words and comma "Chief Auditor, Pakistan Eastern Railway" by section 3 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

² The word "Government" was substituted for the words "Railway Board" by sections 4 and 7 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

³ The words "Pakistan Eastern" were omitted by section 4 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

⁴ The word "Government" was substituted for the words "Railway Board" by sections 4 and 7 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

⁵ The word "Government" was substituted for the words "Railway Board" by sections 4 and 7 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

Utilisation of
the Fund

4. (1) The Fund shall be utilised for,-

- (a) the relief of the Railway Servants and their families by,-
 - (i) giving financial assistance to the families of deceased Railway Servants at such rates as may be determined by the Board,
 - (ii) giving financial assistance to Railway Servants invalidated out of service at such rates as may be prescribed;
- (b) defraying expenditure incurred in respect of the management of Fund; and
- (c) such other purpose as may be prescribed from time to time.

(2) Benefits admissible under sub-section (1) of this section shall be in addition to, not in derogation of, pensions, family pensions or gratuities, as admissible under any other law for the time being in force.

Accounts and
Audit

5. (1) All contributions received under clause (b) of sub-section (2) of section 3 shall be deducted, at the source, from the salaries of the Railway Servants.

(2) The ¹[Board] shall maintain the accounts of the Fund.

(3) Audit of all sums credited to, and expenditure from, the Fund shall be conducted by such authority and in such manner as may be prescribed.

6. *[Option to be exercised by members of All-Pakistan Service.- Omitted by section 6 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).]*

¹ The word "Board" was substituted for the words and comma "Financial Advisor and Chief Accounts Officer, Pakistan Eastern Railway" by section 4 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

7. (1) As soon as may be after the commencement of this Ordinance, the ¹[Government] may, by notification establish a Board, to be known as the ²[Board of Trustees of the] Railway Servants Benevolent Fund for carrying out the purposes of this Ordinance.

Constitution and powers of the Board

(2) The Board shall be a body corporate, shall be entitled to acquire and hold property and shall have perpetual succession and a common seal.

(3) The Board shall consist of a Chairman and such number of members as may be determined by the ³[Government] and shall hold office for a term of three years.

(4) Subject to the provisions of this Ordinance and rules made thereunder and such direction, if any, as may be issued by the ⁴[Government] in this behalf, the Board shall have power to invest money credited to, and to borrow money for the Fund, and to incur expenditure therefrom for the purposes as specified in section 4.

8. The Chairman and members of the Board constituted under section 7 or any employee or agent appointed by the Board shall be deemed to be a Public Servant within the meaning of section 21 of the ⁵[* * *] Penal Code, 1860.

Public Servant

¹ The word "Government" was substituted for the words "Railway Board" by sections 4 and 7 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

² The words "Board of Trustees of the" were substituted for the words "Board of Management of the Pakistan Eastern" by section 7 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

³ The word "Government" was substituted for the words "Railway Board" by sections 4 and 7 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

⁴ The word "Government" was substituted for the words "Railway Board" by sections 4 and 7 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

⁵ The word "Pakistan" was omitted by section 8 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

Powers to recover rent and premium as arrear of land revenue

9. Any sum due as rent or premium in respect of any property owned by, and under the management of the Board, if not paid within thirty days of its having become due, may, notwithstanding anything contained in any other law, for the time being in force, be recovered as arrear of land revenue under the ¹[* * *] Public Demands Recovery Act, 1913 (Bengal Act III of 1913).

Grounds of recovery of possession

10. Where the Board is satisfied, after making such enquiry as it thinks fit and proper, that a lessee has wilfully defaulted in payment of rent or premium, as the case may be, or that a lessee has committed an act of breach of contract, the Board may terminate the lease, after giving the lessee an opportunity of being heard, and may, by order in writing, direct such lessee to vacate the land, building or part of a building in his occupation within such period as may be specified in the order and in case he fails to vacate, provisions of the ²[* * *] Government Lands and Buildings (Recovery of Possession) Act, 1952 (East Bengal Act X of 1952) shall *mutatis mutandis* apply.

Indemnity

11. No suit, prosecution or other legal proceedings shall lie in any Court against the Board or against any employee of the Board in respect of anything done or intended to be done, in good faith, under this Ordinance or rules made thereunder, or in respect of any alleged neglect or omission to perform any duty devolving upon the Board under this Ordinance, or in respect of the exercise of, or failure to exercise, any power conferred on it by this Ordinance.

Bar to jurisdiction of Civil Courts

12. Notwithstanding anything contained in any other law for the time being in force, no Civil Court shall entertain any application or suit against the Board in respect of any property or money vested in, or owned by the Board or shall question the legality of any action taken by, or under the authority of the Board, under this Ordinance.

¹ The word "Bengal" was omitted by section 9 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

² The words "East Bengal" were omitted by section 10 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).

13. [*Inapplicability of East Pakistan Ordinance No. XX of 1963.- Omitted by section 11 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).*]

14. The ¹[* * *] Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Ordinance.

Power to make rules

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¹ The word "Provincial" was omitted by section 12 of the Eastern Railway Servants Benevolent Fund (Amendment) Act, 1991 (Act No. IV of 1991).