

SOUTH EASTERN RAILWAY

Office of the
Chief Personnel Officer,
Garden Reach, Kolkata-43.

Estt. Srl. No. 159/2017

RBE. NO. 133/2017

No. SER/P-HQ/Ruling/0/866

Dated: 09/10/2017


To
All concerned

Sub: Rule 14(ii) o Railway Servants (D&A) Rules, 1968- Following of proper procedure regarding.

Ref: Estt. Srl. No. 84/92.

Railway Board's letter No.E(D&A)2017/RG6-21 dated 18.09.2017 (RBE No. 133//2017) is forwarded for information, guidance and necessary action.

Encl: as above.


09/10/17
(Jaydip Sengupta)
Sr. Personnel Officer (HQ)
for Chief Personnel Officer.



Office of the Chief Personnel Officer
Gardner Reach, Kolkata-43
Rly. Board/CA-iii Rec 1841
सं. क्रमांक
दि.
कोलकाता-43
रेलवे बोर्ड/सीए-iii सदस्य
Received on
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

RBE No. 133/2017

No. E(D&A) 2017 RG6-21

New Delhi, 18.09.2017

27

25/9
GM
CPD

The General Manager(P)
All Indian Railways and
Production Units etc.
(As per standard list).

SE.Rly

Grandem Recch
Kolkata.

Sub: Rule 14(ii) of Railway Servants (D&A) Rules, 1968 -
Following of proper procedure regarding

Rule 14(ii) of the Railway Servants (Discipline and Appeal) Rules, 1968, which emanates from the provisions contained in clause (b) of the second proviso to Article 311 (2) of the Constitution of India, lays down special procedure for imposition of penalties in situations where the disciplinary authority is satisfied, for reasons to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules.

2. The scope and ambit of the special procedure under the aforesaid Rule 14(ii) and the protections embodied therein for the Railway servants have been explained in Circulars issued by this Ministry from time to time. It is to be noted that (i) the conditions precedent to application of the aforesaid special procedure, (ii) the action taken thereunder being subject to judicial review and (iii) permissibility of the claim by the penalized person for holding of inquiry at the stage of appeal, revision etc, have been explained in paragraphs 6, 7 and 8 respectively of Department of Personnel & Training OM No. 11012/11/85-Estt(A) dated 11.11.1985 as circulated vide this Ministry's letter No. E(D&A) 85 RG6-72 dated 06.02.1986. A Note regarding some of the important points to be borne in mind while taking action under the aforesaid Rule 14(ii) and specimens of speaking order and notice imposing penalty thereunder were also circulated vide this Ministry's letter no. E(D&A) 85 RG6-72 dated 06.10.1988. Further thereto, the requirement that the reasons recorded by the Disciplinary Authority for dispensing with the inquiry should be supported by objective facts and/or independent material, was emphasized vide this Ministry's letter no. E(D&A) 92 RG6-48 dated 06.04.1992. - 8A/92

3. Notwithstanding above, instances of non-adherence to the aforesaid instructions/clarifications have been brought to notice of this Ministry.

Contd.. 2/-

E.S. 1/15.
Aby
03.10.17

CLDS/DRA
AOC/Ruby
Pls circulate 09/10

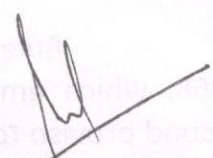
APD/148
DRA Ruby

25/9 SER/P-HS/Ruling 10/866 DA

4. In view of above, the afore-mentioned instructions/clarifications are emphatically reiterated. All Zonal Railways/Production Units etc. are directed to bring it to the notice of the disciplinary/appellate/revisory authorities that, whenever it is proposed to invoke action under the aforesaid Rule 14(ii), it is imperative that all the instructions mentioned above in this regard are followed scrupulously so as to ensure that the action is not found wanting in compliance of:

- (i) the mandate under the clause (b) of the second proviso to the Article 311 (2) of the Constitution of India,
- (ii) of the provisions contained in the aforesaid Rule 14 (ii), and
- (iii) of the related subsidiary instructions/clarifications.

5. Hindi version will follow. Please acknowledge receipt.


(Sunil Kumar)
Director Estt. (W&D&A)
Railway Board