

Railway Servants (Discipline And Appeal) Rules, 1968

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Railway Servants (Discipline And Appeal) Rules, 1968

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules, namely:-

PART 1 GENERAL

1. Short Title And Commencement :-

(1) These rules may be called The Railway Servants(Discipline and Appeal) Rules, 1968.

(2) They shall come into force on the 1st day of October, 1968.

Published with the Ministry of Railways (Railway Board)
Notifications-

- (1) No.E(D&A)66 RG6-9 dated 22nd August 1968
- (2) No.E(D&A)66 RG6-9 dated 10th April 1969
- (3) No.E(D&A)67 RG6-13 dated 7th April 1971
- (4) No.E(D&A)70 RG6-63 dated 9th June 1971
- (5) No.E(D&A)70 RG6-60 dated 19th October 1971
- (6) No.E(D&A)70 RG6-41 dated 21st October 1971
- (7) No.E(D&A)70 RG6-43 dated 12th November 1971
- (8) No.E(D&A)70 RG6-52 dated 25th March 1972
- (9) No.E(D&A)70 RG6-69 dated 17th November 1972
- (10) No.E(D&A)69 RG6-9 dated 5th February 1973
- (11) No.E(D&A)71 RG6-60 dated 13th July 1973
- (12) No.E(D&A)75 RG6-35 dated 5th April 1977
- (13) No.E(D&A)77 RG6-36 dated 7th July 1978
- (14) No.E(D&A)78 RG6-54 dated 29th November 1978
- (15) No.E(D&A)77 RG6-30 dated 7th April 1978
- (16) No.E(D&A)79 RG6-26 dated 17th August 1979
- (17) No.E(D&A)79 RG6-12 dated 25th October 1979

- (18) No.E(D&A)78 RG6-61 dated 22nd November 1979
- (19) No.E(D&A)79 RG6-39 dated 31st December 1979
- (20) No.E(D&A)78 RG6-11 dated 6th February 1980
- (21) No.E(D&A)81 RG6-72 dated 31st August 1982
- (22) No.E(D&A)81 RG6-63 dated 10th August 1983
- (23) No.E(D&A)81 RG6-54 dated 31st May 1984
- (24) No.E(D&A)82 RG6-29 dated 30th March 1985
- (25) No.E(D&A)83 RG6-45 dated 13th June 1985
- (26) No.E(D&A)80 RG6-25 dated 20th January 1986
- (27) No.E(D&A)85 RG6-16 dated 20th March 1987
- (28) No.E(D&A)83 RG6-14 dated 28th August 1987
- (29) No.E(D&A)87 RG6-47 dated 26th October 1987
- (30) No.E(D&A)87 RG6-146 dated 10th May 1988
- (31) No.E(D&A)88 RG6-43 dated 12th August 1988
- (32) No.E(D&A)84 RG6-44 dated 20th October 1989
- (33) No.E(D&A)88 RG6-38 dated 16th November 1989
- (34) No.E(D&A)90 RG6-112 dated 16th November 1990
- (35) No.E(D&A)91 RG6-42 dated 8th June 1991
- (36) No.E(D&A)90 RG6-117 dated 19th September 1991
- (37) No.E(D&A)89 RG6-80 dated 20th January 1992
- (38) No.E(D&A)90 RG6-112 dated 22nd October 1992
- (39) No.E(D&A)92 RG6-148 dated 9th November 1992
- (40) No.E(D&A)92 RG6-166 dated 11th January 1993
- (41) No.E(D&A)93 RG6-94 dated 23rd June 1994
- (42) No.E(D&A)93 RG6-94 dated 13th August 1997
- (43) No.E(D&A)92 RG6-151 dated 6th November 1997

(Railway Board has published Diglot Edition of the rules corrected upto 01-04-87 incorporating amendment notifications upto serial no. 27 above. This compilation gives detailed references for amendments that has taken place thereafter.)

2. Definitions :-

- (1) In these rules, unless the context otherwise requires -
 - (a) "appointing authority" in relation to a railway servant means -
 - (i) the authority empowered to make appointments to the service of which the railway servant is, for the time being, a member or to the grade of the service in which the railway servant is, for the time being, included, or
 - (ii) the authority empowered to make appointments to the post which the railway servant, for the time being holds, or
 - (iii) the authority which appointed the Railway servant to such

Service, grade or post, as the case may be, or

(iv) Where the Railway servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment under the Ministry of Railways, the authority which appointed him to that service or to any grade in that service or to that post:

Whichever authority is the highest authority.

(Regarding Appointing Authority please see Rly Bd. letter E(D&A)86RG-12 dt 07-05-90,07-08-90,27-03-90.)

(b) "Commission" means the Union Public Service Commission, "disciplinary authority" means-

(i) in relation to the imposition of a penalty on a Railway servant, the authority competent, under these rules, to impose on him that penalty;

(ii) in relation to Rule 9 and clauses(a) and (b) of sub-rule (1) of Rule 11 in the case of any Gazetted Railway Servant, an authority competent to impose any of the penalties specified in Rule 6;

(iii) in relation to Rule 9 in the case of any non-gazetted railway servant, an authority competent to impose any of the major penalties specified in Rule 6;

(iv) in relation to clauses (a) and (b) of sub rule (1) of Rule 11, in the case of a non-gazetted railway servant, an authority competent to impose any of the penalties specified in Rule 6.

(d) "head of the department" for the purpose of exercising the powers as appointing, disciplinary, appellate or revising authority, means the authority declared to be head of the department in terms of clause (21) of Rule 103 of Volume I of the Indian Railway Establishment Code(Fifth Edition-1985);

alok tells : [103(21) of IREC Vol-I , "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"]

(e) "Railway servant" means a railway servant as defined in clause 43 of Rule 103 of Volume 1 of the Indian Railway Establishment Code (Fifth Edition-1985) and includes any such railway servant on foreign service or whose services are temporarily placed at the disposal of any other department of the Central Government or a State Government or a local or other authority;

alok tells : [103(43) of IREC Vol-I , "Railway servant means a person who is 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."]

(f) "Service" means a service under the Ministry of Railways;

(g) "Schedule" means a schedule appended to these rules.

(2) All other words and expressions used but not defined in these rules and defined in the Indian Railways Act, 1890(9 of 1890) shall have the meanings respectively assigned to them under that Act.

3. Application :-

(1) These rules shall apply to every railway servant but shall not apply to -

(a) any member of the All India Services;

(b) any member of the Railway Protection Force as defined in the Railway Protection Force Act, 1957 (23 of 1957); any person in casual employment ; and

(d) any person for whom special provision is made, in respect of matters covered by these rules by or under any law for the time being in force or by under any agreement entered into by or with the previous approval of the President before or after the commencement of these rules, in regard to matters covered by such special provisions.

(2) Notwithstanding anything contained in sub rule (1), the President may, by order, exclude any class of railway servants from the operation of all or any of these rules.

PART 2 SUSPENSION

4. Authorities Competent To Place A Railway Servant Under Suspension :-

The classes of railway servants who may be placed under suspension and the authorities by whom they may be so placed, shall be as specified in Schedules I, II and III:

Provided that, in exceptional circumstances, any authority specified in any of the Schedules may place any subordinate railway servant specified therein, under suspension:

Provided further that where any action is taken under the foregoing proviso, the authority concerned shall forthwith report to the authority competent to place such railway servant under suspension, the circumstances in which the order was made and

obtain his approval.

Explanation.-For the purpose of this rule, in respect of a railway servant officiating in a higher post, the competent authority shall be determined with reference to the officiating post held by such railway servant at the time of taking action.

5. Suspension :-

(1)A railway servant may be placed under suspension-

(a)where a disciplinary proceeding against him is contemplated or is pending; or

(b)where, in the opinion of the authority competent to place a railway servant under suspension, he has engaged himself in activities prejudicial to the interest of the security of the state; or where a case against him in respect of any criminal offence, is under investigation, inquiry or trial.

(2) A railway servant shall be deemed to have been placed under suspension by an order of the competent authority-

(a)with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;

(b)with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation.- The period of forty-eight hours referred to in clause(b)of this sub-rule, shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a railway servant under suspension, is set aside in appeal or on revision and/ or review(see Rly Bd letter No. E(D&A)84 RG6-44 dt. 20/10/89, para 4) under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4)Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a railway servant, is set aside or

declared or rendered void in consequence of or by a decision of a court of Law and the disciplinary authority on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement, was originally imposed, the railway servant shall be deemed to have been placed under suspension by the competent authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical ground without going into the merits of the case.

(5)(a) An order of suspension made or deemed to have been made under this rule, shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a railway servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the railway servant shall continue to be under suspension until the termination of all or any of such proceedings.

An order of suspension made or deemed to have been made under this rule, may, at any time, be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

alok tells:: Regarding subsistence allowance admissible during the periods of suspension ,please refer Rules 1341 and 1342 of Indian Railway Establishment Code Vol II (1990 ed.)

Regarding regularisation of the periods of suspension ,please refer rule 1345 of Indian Railway Establishment Code Vol II (1990 ed.).

PART 3 PENALTIES AND DISCIPLINARY AUTHORITIES

6. Penalties :-

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Railway Servant, namely:-

Minor Penalties -

(i) Censure;

(ii) Withholding of his promotion for a specified period;

(iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government or Railway Administration by negligence or breach of orders;

(iii-a) Withholding of the Privilege Passes or Privilege Ticket Orders or both;

(iii-b) Reduction to a lower stage in the time scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.

(the rule (iii-b) inserted by Rly. Bd. letter No. E(D&A)90 RG66-112 dated 16-11-1990.)

(iv) Withholding of increments of pay for a specified period with further directions as to whether on the expiry of such period this will or will not have the effect of postponing the future increments of his pay.

Major Penalties-

(v) Save as provided for in clause (iii-b), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(the sub-rule 6 (v) substituted by Rly. Bd. letter No. E(D&A)90 RG6-112 dated 22-10-1992.)

(vi) Reduction to a lower time scale of pay, grade, post, or service, with or without further directions regarding conditions of restoration to the grade or post or service from the which the Railway Servant was reduced and his seniority and pay on such restoration to that grade, post or service;

(vii) Compulsory retirement;

(viii) Removal from service which shall not be a disqualification for future employment under the Government or Railway Administration;

(ix) Dismissal from service which shall ordinarily be a disqualification for future employment under the Government or Railway Administration.

Provided that in cases of persons found guilty of any act or omission which resulted or would have, ordinarily, resulted in collisions of Railway trains, one of the penalties specified in clauses (viii) and (ix) shall ordinarily, be imposed and in cases of passing Railway signals at danger, one of the penalties specified in clauses (v) to (ix) shall, ordinarily, be imposed and where such penalty is not imposed, the reasons therefore shall be recorded in writing.

(the above proviso inserted by Rly. Bd. letter No. E(D&A)83 RG6-

14 dated 28-08-1987.)

Provided further that in case of persons found guilty of having accepted or having obtained from any person any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act, one of the penalties specified in clauses (viii) or (ix) shall ordinarily be imposed and where such penalty is not imposed, the reasons therefor shall be recorded in writing.

Explanation 1.- The following shall not amount to a penalty within the meaning of this rule, namely:-

(i) withholding of increments of pay of a Railway servant for failure to pass any departmental examination in accordance with the rules or orders governing the Service to which he belongs or post which he holds or the terms of his appointments;

(ii)stoppage of a Railway Servant at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;

(iii)non-promotion of a Railway servant, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible;

(iv) reversion of a Railway Servant officiating in higher service, grade or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post, or on any administrative ground unconnected with his conduct;

(v) reversion of a Railway Servant, appointed on probation to any other service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;.

(vi) replacement of the services of a Railway servant, whose services had been borrowed from any other Ministry or Department of the Central Government or a State Government or an authority under the control of the Central Government or State Government, at the disposal of the Government or the authority from which the services of such Railway Servant had been borrowed;

(vii)Compulsory retirement of a Railway servant in accordance with the provisions relating to his superannuating or retirement;

(viii) termination of the services -

(a) of a railway servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation;

(b) of a temporary Railway servant in accordance with rule 301

contained in Volume 1 of the Indian Railway Establishment Code (Fifth Edition-1985), or
of a Railway servant employed under an agreement, in accordance with the terms of such agreement;
(ix) discharge of Railway servants-
(a) for inefficiency due to failure to conform to the requisite standard of physical fitness;
(b) on reduction of establishment.

7. Disciplinary Authorities :-

- (1) The President may impose any of the penalties specified in rule 6 on any Railway servant.
- (2) Without prejudice to the provisions of sub rule (1), any of the penalties specified in rule 6 may be imposed on Railway Servant by the authorities specified in Schedules I, II and III.
- (3) The disciplinary authority in the case of a Railway servant officiating in a higher post, shall be determined with reference to the officiating post held by him at the time of taking action.

8. Authority To Institute Proceedings :-

- (1) The President or any other authority empowered by him, by general or special order, may-
 - (a) institute disciplinary proceedings against any Railway servant;
 - (b) direct a disciplinary authority to institute disciplinary proceedings against any railway servant on whom that disciplinary authority is competent to impose, under these rules, any of the penalties specified in rule 6.
- (2) A disciplinary authority competent under these rules to impose any of the penalties specified in clauses (i) to (iv) of rule 6 may, subject to the provision of clause of sub rule(1) of rule 2 institute disciplinary proceedings against any Railway servant for the imposition of any of the penalties specified in clauses (v) to (ix) of rule 6, notwithstanding that such disciplinary authority is not competent, under these rules, to impose any of the latter penalties.

PART 4 PROCEDURE FOR IMPOSING MAJOR PENALTIES

9. Procedure For Imposing Major Penalties :-

- (1) No order imposing any of the penalties specified in clauses (v) to (ix) of rule 6 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 10, or in

the manner provided by the Public Servants (Inquiries) Act, 1850(37 of 1850) where such inquiry is held under that act.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a railway servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, a Board of Inquiry or other authority to inquire into the truth thereof.

(3) Where a board of inquiry is appointed under sub-rule (2) it shall consist of not less than two members, each of whom shall be higher in rank than the railway servant against whom the inquiry is being held and none of whom shall be subordinate to the other member or members as the case may be, of such Board.

(4) Where the Board of Inquiry consists of two or more than two members, the senior member shall be the Presiding Officer.

(5) Every decision of the Board of Inquiry shall be passed by majority of votes, and where there is an equality of votes on the findings, the finding of each member shall be incorporated in the report prepared under clause(i) of sub-rule (25).

Explanation.- Where the disciplinary authority itself holds the inquiry, any reference in sub-rule(12) and in sub-rule (14) to sub-rule (25), to the inquiring authority shall be construed as a reference to the disciplinary authority.

(6) Where it is proposed to hold an inquiry against a railway servant under this rule and rule 10, the disciplinary authority shall draw up or cause to be drawn up -

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge which shall contain-

(a) a statement of all relevant facts including any admission or confession made by the railway servant;

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(7) The disciplinary authority shall deliver or cause to be delivered to the railway servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the railway servant to submit a written statement of his defence within ten days or such further time as the disciplinary authority may allow.

Note.- If copies of documents have not been delivered to the

Railway servant along with the articles of charge and if he desires to inspect the same for the preparation of his defence, he may do so, within 10 days from the date of receipt of the articles of charge by him and complete inspection within 10 days thereafter and shall state whether he desires to be heard in person.

(8) The Railway servant may, for the purpose of his defence submit with the written statement of his defence, list of witnesses to be examined on his behalf.

Note.-If the Railway servant applies in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule(6), the disciplinary authority shall furnish him with a copy each of such statement as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(9)(a)(i) On receipt of the written statement of defence, the disciplinary authority shall consider the same and decide whether the inquiry should be proceeded with under this rule.

(ii) Where the disciplinary authority decides to proceed with the inquiry it may itself inquire into such of the articles of charge as are not admitted or appoint under sub-rule(2) a Board of Inquiry or other authority for the purpose.

(iii) Where all the articles of charge have been admitted by the Railway servant in his written statement of defence, the disciplinary authority shall record its findings on each charge, after taking such further evidence as it may think fit and shall act in the manner laid down in rule 10.

(iv) If the disciplinary authority, after consideration of the written statement of defence, is of the opinion that the imposition of a major penalty is not necessary, it may drop the proceedings already initiated by it for imposition of major penalty, without prejudice to its right to impose any of the minor penalties, not attracting the provisions of sub-rule(2) of rule 11. Where the disciplinary authority so drops the proceedings but considers it appropriate to impose any of the minor penalties, not attracting the provisions of sub rule (2) of rule 11, it may make an order imposing such penalty and it will not be necessary to give the railway servant any further opportunity of making representation before the penalty is imposed.

(b) If no written statement of defence is submitted by the Railway Servant, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint, under sub-rule (2) an inquiring authority for the purpose

and also inform the railway servant of such appointment.

where the disciplinary authority itself inquires into an article of charge or appoints a Board of Inquiry or any other inquiring authority for holding an inquiry into such charge; it may, by an order in writing, appoint a railway or any other Government servant to be known as Presenting Officer to present on its behalf the case in support of the articles of charge.

(10) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority-

(i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;

(ii) a copy of the written statement of defence, if any, submitted by the railway servant;

(iii) a copy of the statement of witnesses, if any, referred to in sub-rule (6);

(iv) evidence proving the delivery of the documents referred to in sub-rule (6) to the railway servant.

(v) a copy of the order appointing the "Presenting officer" if any; and

(vi) a copy of the list of witnesses, if any, furnished by the railway servant.

(11) The railway servant shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by the inquiring authority of the order appointing him as such, as the inquiring authority may, by a notice in writing, specify in this behalf, or within such further time not exceeding ten days, as the inquiring authority may allow.

(the sub-rule (11) substituted by Rly. Bd. letter No. E(D&A)90 RG6-117 dated 19-09-1991.)

(12) The inquiring authority shall, if the railway servant fails to appear within the specified time, or refuses or omits to plead, require the "Presenting Officer" if any, to produce the evidence by which he proposes to prove the articles of charge and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the railway servant may for the purpose of preparing his defence, give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of any documents which are in possession of Railway Administration but not mentioned in the list referred to in sub-rule (6).

Note.- The Railway servants shall indicate the relevance of the documents required by him to be discovered or produced by the

Railway Administration.

(13)(a) The railway servant may present his case with the assistance of any other railway servant (including a railway servant on leave preparatory to retirement) working under the same Railway Administration, to which whose jurisdiction and control he is working. He cannot engage a legal practitioner for the purpose, unless the presenting officer appointed by the disciplinary authority is a legal practitioner or the disciplinary authority having regard to the circumstances of the case, so permits. If the railway servant is employed in the office of the Railway Board, its attached office or sub-ordinate office, he may present his case with the assistance of any other railway servant (including a railway servant on leave preparatory to retirement), employed in the office of the Railway Board, attached office or sub-ordinate office, as the case may be, in which he is working.

(the above clause (a) substituted by Rly. Bd. letter No. E(D&A)95 RG6-68 dated 13-08-1997.)

(b) The railway servant may also present his case with the assistance of a retired railway servant, subject to such conditions as may be specified by the President from time to time by general or special order in this behalf.

alok tells : [Rly Bd. letter No. E(D&A)90RG6-148 dated 05-11-1992 lays down conditions in this regard)

Note.- (1) A non-gazetted Railway servant may take the assistance of an official of a Railway trade union, recognised by the Railway Administration under which the Railway servant is employed, to present his case before an inquiring authority but shall not engage a legal practitioner for the above purpose except in the circumstances brought out in clause(a). An official of a railway trade union shall not be allowed to appear on behalf of an alleged delinquent railway official in connection with a disciplinary case pending against that official, to present his case favourably before an inquiring authority unless he has worked as such in a recognised Railway Trade Union for a period of at least one year continuously prior to his appearance before an inquiring authority for the above purpose subject to the condition that he takes no fees.

(the above Note(1) substituted by Rly. Bd. letter No. E(D&A)95 RG6-68 dated 13-08-1997.)

(2)Nomination of an assisting railway servant or an official of a recognised railway trade union shall be made within 20 days from the date of appointment of inquiring authority and it shall not be accepted if at the time of nomination the assisting railway servant

or the official of a recognised railway trade union has more than three pending disciplinary cases in which he has to assist.

(In above note (2) the word two substituted by the word three by Rly. Bd. letter No. E(D&A)92 RG6-148 dated 09-11-1992.)

(14) After the nomination of the assisting railway servant or the official of a railway trade union and other necessary steps preliminary to the inquiry are completed, a date, ordinarily not exceeding one month from the date of appointment of inquiring authority, shall be fixed for the inquiry and the railway servant informed accordingly.

(15) The inquiring authority shall, on receipt of the notice for discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of the documents by such date as may be specified in such requisition:

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(16) On receipt of the requisition referred to in sub-rule (15), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority by the specified time:

Provided that if the authority having the custody or possession of requisitioned documents is satisfied for reason to be recorded by it in writing that the production of all or any such documents would be against the public interest or security of the state, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the railway servant and withdraw the requisition made by it for the production or discovery of such documents.

(17) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved, shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer if any, and may be cross-examined by or on behalf of the railway servant. The presenting officer, if any, shall be entitled to re-examine the witnesses on any points on which they have been cross examined, but not on any new matter without the leave of the inquiring authority. The inquiring authority may also put such question to the witnesses as it thinks fit.

(18) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority, may, in

its discretion, allow the Presenting Officer, if any, to produce evidence not included in the list given to the railway servant or may itself call for new evidence or recall and re-examine any witness and in such cases the railway servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the railway servant an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the railway servant to produce new evidence if it is of the opinion that the production of such evidence is necessary in the interest of justice.

Note.- New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(19) When the case for the disciplinary authority is closed, the railway servant shall be required to state his defence orally, or in writing, as he may prefer. If the defence is made orally it shall be recorded and the railway servant shall, be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any.

(20) The evidence on behalf of the railway servant shall then be produced. The railway servant may examine himself in his own behalf, if he so prefers. The witnesses produced by the railway servant shall then be examined by or on behalf of him and shall be cross-examined by or on behalf of the Presenting Officer, if any. The railway servant shall be entitled to re-examine the witnesses on any point on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(21) The inquiring authority may, after the railway servant closes his case, and shall, if the railway servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the railway servant to explain any circumstances appearing in the evidence against him.

(22) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, and the

railway servant, or permit them to file written briefs of their respective cases, if they so desire.

(23) If the railway servant, to whom a copy of the articles of charges has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex parte.

(24) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, and partly recorded by itself.

Provided that if, the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.

(25) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain-

(a) the articles of charge and the statement of imputations of misconduct or misbehaviour;

(b) the defence of the railway servant in respect of each article of charge;

an assessment of the evidence in respect of each article of charge; and

(d) the findings on each article of charge and the reasons therefor.

Explanation .- If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of charge, it may record its findings on such article of charge.

Provided that the findings on such article of charge shall not be recorded unless the Railway Servant has either admitted the facts on which such articles of charge is based or has had a reasonable opportunity of defending himself against such articles of charge.

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include-

(a) the report prepared by it under clause(i);

(b) the written statement of defence, if any, submitted by the

railway servant;

the oral and documentary evidence produced in the course of the inquiry;

(d) written briefs, if any, filed by the Presenting Officer, if any, or the railway servant or both during the course of the enquiry; and

(e) the orders, if any, made by the disciplinary authority in regard to the inquiry.

10. Action On The Inquiry Report :-

(1) If the disciplinary authority, having regard to its own findings where it is itself the inquiring authority, or having regard to its decision on all or any of the findings of the inquiring authority, is of the opinion that the penalty warranted is such as is within its competence, that authority may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the Railway servant such penalty as is within its competence in accordance with these rules. Where such disciplinary authority is of the opinion that the penalty warranted is such as is not within its competence that authority shall forward the records of the inquiry to the appropriate disciplinary authority who shall act in the manner as hereinafter provided.

(2) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold further inquiry according to the provisions of Rule 9 as far as may be.

(3) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record, is sufficient for the purpose.

(4) If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in clauses (i) to (iv) of Rule 6 should be imposed on the railway servant, it shall, notwithstanding anything contained in Rule 11, make an order imposing such penalty.

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making any order

imposing any penalty of the Railway servant.

(5) If the disciplinary authority, having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (v) to (ix) of Rule 6 should be imposed on the railway servant, it shall make an order imposing such penalty and it shall not be necessary to give the railway servant any opportunity of making representation on the penalty proposed to be imposed.

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making an order imposing any such penalty on the railway servant.

(Rly. Bd. letter No. E(D&A)87 RG6-151 dated 04-04-1996 lays down important guidelines regarding supply of copy of the Inquiry Report to the charged railway servant before final orders are passed by the disciplinary authority.)

11. Procedure For Imposing Minor Penalties :-

(1) Subject to the provisions of sub-clause (iv) of clause (a) of sub-rule (9) of rule 9 and of sub-rule (4) of rule 10, no order imposing on a Railway servant any of the penalties specified in clauses (i) to (iv) of Rule 6 shall be made except after-

(a) informing the Railway servant in writing of the proposal to take action against him and of the imputation of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in sub-rules (6) to (25) of rule 9, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary; taking the representation, if any, submitted by the Railway servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;

(d) recording a finding on each imputation of misconduct or misbehaviour; and

(e) consulting the Commission where such consultation is necessary.

(2) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case, it is proposed, after considering the representation,

if any, made by the railway servant under clause (a) of that sub-rule to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension or special contribution to Provident Fund payable to the railway servant or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-rules (6) to (25) of Rule 9, before making any order imposing on the Railway servant any such penalty.

(3) Deleted.

(4) The record of the proceedings in cases specified in sub-rule (1) and (2) shall include-

(i) a copy of the intimation to the railway servant of the proposal to take action against him;

(ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;

(iii) his representation, if any,

(iv) the evidence produced during the inquiry, if any;

(v) the advice of the commission, if any;

(vi) the findings on each imputation of misconduct or misbehaviour; and

(vii) the orders on the case together with the reasons therefor.

12. Communication Of Orders :-

Orders made by the disciplinary authority shall be communicated to the Railway servant who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority and a copy of its findings on each article of charge, or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him) and also a copy of the advice, if any, given by the Commission and, where the disciplinary authority has not accepted the advice of the commission, a brief statement of the reasons for such non-acceptance.

13. Common Proceedings :-

(1) Where two or more Railway servant are concerned in any case, the President or any other authority competent to impose the

penalty of dismissal from service on all such Railway servants, may make an order directing that disciplinary action against all of them may be taken in a common proceedings.

Note.- If the authorities competent to impose the penalty of dismissal on such railway servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) Any such order shall specify-

(i) the authority which may function as the disciplinary authority for the purpose of such common proceedings;

(ii) the penalties specified in Rule 6 which such disciplinary authority shall be competent to impose; provided that such authority shall not impose the penalties specified in clauses (vii) to (ix) of that rule if that authority is subordinate to the Appointing Authority; and

(iii) Whether the procedure laid down in rule 9 and Rule 10 or Rule 11 shall be followed in the proceedings.

14. Special Procedure In Certain Cases :-

Notwithstanding anything contained in Rules 9 to 13-

(i) where any penalty is imposed on a Railway servant on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) 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; or

(iii) where the President is satisfied that in the interest of the security of the State, it is not expedient to hold an inquiry in the manner provided in these rules;

The disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit.

Provided that the Railway servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case falling under clause(i) above.

Provided further that the commission shall be consulted where such consultation is necessary, before any orders are made in any case under this rule.

(the above two proviso substituted by Rly. Bd. letter No. E(D&A)87 RG6-47 dated 26-10-1987.)

15. Provision Regarding Railway Servant Lent To State Governments, Etc :-

(1) Where the services of a Railway servant are lent to any other Ministry or Department of the Central Government or to a State Government or an authority subordinate thereto or to a local or other authority (hereinafter in this rule referred to as "the borrowing authority"), the borrowing authority shall have the powers of the authority competent to place the Railway servant under suspension for the purpose of placing him under suspension and of the disciplinary authority for the purpose of conducting disciplinary proceeding against him;

Provided that the borrowing authority shall forthwith inform the authority which lent the services of the Railway Servant (hereinafter in this rule referred to as "the lending authority") of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceedings conducted against the Railway servant-

(i) if the borrowing authority is of the opinion that any of the penalties specified in clauses(i) to (iv) of Rule 6 should be imposed on the railway servant, it may, after consultation with the lending authority, make such orders on the case as it deems necessary;

Provided that in the event of difference of opinion between the borrowing authority and the lending authority, the services of the railway servant shall be replaced at the disposal of the lending authority.

(ii) If the borrowing authority is of the opinion that any of the penalties specified in clauses(v) to (ix) of rule 6 should be imposed on the railway servant, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the disciplinary authority, pass such orders thereon as it may deem necessary, or if it is not the disciplinary authority, submit the case to the disciplinary authority, which shall pass such orders on the case as it may deem necessary;

Provided that before passing such orders, the disciplinary authority shall comply with the provisions of sub-rules(4) and (5) of Rule 10.

Explanation:-The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by borrowing authority, or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with Rule 9.

16. Provisions Regarding Officers Borrowed From Central Or State Governments Etc :-

(1) Where the services of a Government servant from any Ministry or Department of the Central Government other than the Ministry of Railways, or a State Government, or an authority subordinate thereto, or of a person from a local or other authority (hereinafter in this rule referred to as "the lending authority") are borrowed for appointment to a service or post under the Ministry of Railways, the authority which appointed him to that service or post (hereinafter in this rule referred to as "the borrowing authority") shall have the powers of the lending authority for the purpose of placing such Government servant or person under suspension or for conducting disciplinary proceedings against him;

Provided that where an order suspending such Government servant or person is made or a disciplinary proceedings is conducted against such Government servant or person, the borrowing authority shall forthwith inform the lending authority of the circumstances leading to the order of suspension or, as the case may be, the commencement of the disciplinary proceedings against such Government servant or person.

(2) In the light of the findings in the disciplinary proceeding conducted against such Government servant or person-

(i) if the borrowing authority is of the opinion that any of the minor penalties specified in the rules by which such Government servant or person is governed, should be imposed on him, it may, after consultation with the lending authority, pass such orders on the case as it deems necessary, in accordance with the said rules;

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of such Government servant or person shall be replaced at the disposal of the lending authority;

(ii) if the borrowing authority is of the opinion that any of the major penalties specified in the rules by which such government servant or person is governed, should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may pass such orders thereon as it may deem necessary.

PART 5 APPEALS

17. Orders Against Which No Appeal Lies :-

Notwithstanding anything contained in this part, no appeal shall lie

against-

(i) any order made by the President;

(ii) any order of an interlocutory nature or of the nature of step-in-aid of the final disposal of disciplinary proceedings, other than an order of suspension;

(iii) any order passed by an inquiring authority in the course of an inquiry under rule 9.

18. Orders Against Which Appeal Lies :-

Subject to the provisions of Rule 17, a Railway Servant may prefer an appeal against all or any of the following orders, namely,

(i) an order of suspension made or deemed to have been made under rule 5;

(ii) an order imposing any of the penalties specified in Rule 6 whether made by the disciplinary authority or by any appellate or revising authority; (see Rly Bd letter No. E(D&A)84 RG6-44 dt. 20/10/89, para 4)

(iii) an order enhancing any penalty imposed under Rule 6;

(iv) an order which -

(a) denies or varies to his disadvantage his pay, allowances, pension, Provident Fund benefits, service gratuity or other conditions of service as regulated by rules or by agreement; or

(b) interprets to his disadvantage the provisions of any such rule or agreement;

(v) An order -

(a) stopping him at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;

(b) reverting him while officiating in a higher service, grade or post to a lower service, grade or post otherwise than as a penalty; reducing or withholding the pension or denying the maximum pension admissible to him under the rules, if he is a pensionable Railway servant;

(d) reducing or withholding the Government contribution to Provident Fund and special Contribution to Provident Fund or Gratuity admissible to him under the State Railway Provident Fund Rules and Gratuity Rules, if he is a non-pensionable Railway servant;

(e) determining the subsistence and other allowance to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;

(f) determining his pay and allowances-

- (i) for the period of suspension, or
- (ii) for the period from the date of his dismissal, removal or compulsory retirement from service to the date of his reinstatement;
- (g) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal or compulsory retirement to the date of his reinstatement shall be treated as a period spent on duty for any purpose.

Explanation.- In this rule-

- (i) the expression "Railway servant" includes a person who has ceased to be in Railway service;
- (ii) the expression "pension" includes additional pension, gratuity and any other retirement benefit.

19. Appellate Authority :-

(1) A Railway servant, including a person who has ceased to be in Railway service, may prefer an appeal against all or any of the orders specified in Rule 18 to the authority specified in this behalf either in the Schedules or , where no such authority is specified:-

- (i) where a penalty is imposed by a revising authority under Rule 25, to the authority to which it is immediately subordinate;
- (ii) where a penalty is enhanced, either in appeal or on revision and/or review, (see Rly Bd letter No. E(D&A)84 RG6-44 dt. 20/10/89, para 4) to the authority to which the authority making the order, is immediately subordinate;
- (iii) in the case of an appeal against an order specified in clause (iv) of Rule 18, relating to a rule, to the authority which appointed the appellant or the authority which made the rule to which the order under appeal relates, whichever of them may be the higher authority, and in the case of an appeal relating to an agreement, to the authority which appointed the appellant;
- (iv) in case of an appeal against an order specified in clause (v) of Rule 18-
 - (a) in respect of a Railway servant on whom the penalty of dismissal from service can be imposed only by the President, to the President; and
 - (b) in respect of any other railway servant, to the authority to which the authority making the order is immediately subordinate.

(2) Notwithstanding anything contained in sub rule (1),

- (i) an appeal against an order in a common proceeding held under rule 13, shall lie to the authority to which the authority functioning

as the disciplinary authority for the purpose of that proceeding, is immediately subordinate;

(ii) where the person who made the order appealed against becomes by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate;

Provided that in a case where the appellate authority is the Railway Board, the appeal shall be dealt with by any Member of the Railway Board, who has not made the order appealed against.

(3) A railway servant may prefer an appeal against an order imposing any of the penalties specified in Rule 6 to the President, where no such appeal lies to him under sub-rule (1) or sub-rule (2), if such penalty is imposed by any authority other than the President, on such railway servant in respect of his activities connected with his work as an office bearer of an association, federation or union participating in the Joint Consultation and Compulsory Arbitration Scheme.

20. Period Of Limitation For Appeals :-

No appeal preferred under this part, shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against, is delivered to the appellant;

Provided that the appellate authority may entertain the appeal, after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

21. Form And Contents And Submission Of Appeal :-

(1) Every person preferring an appeal shall do so separately and in his own name. An appeal forwarded through or countersigned by a legal practitioner or an assisting Railway servant or a Railway Trade Union Official shall not be entertained but shall be returned with the direction to submit it under the signature of the appellant only.

(2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

(3) The authority which made the order appealed against, shall, on

receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without an avoidable delay and without waiting for any direction from the appellate authority.

22. Consideration Of Appeal :-

(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of Rule 5 and having regard to the circumstances of the case, the order of suspension, is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in Rule 6 or enhancing any penalty imposed under the said rule, the appellate authority shall consider-

(a) whether the procedure laid down in these rules has been complied with, and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;

(b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and

whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe; and pass orders-

(i) confirming, enhancing, reducing or setting aside the penalty; or

(ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case;

Provided that -

(i) the commission shall be consulted in all cases where such consultation is necessary;

(ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of Rule 6 and an inquiry under Rule 9 has not already been held in the case, the appellate authority shall, subject to the provisions of Rule 14, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 9 and thereafter, on a consideration of the proceedings such inquiry make such orders as it may deem fit;

(iii) if the enhanced penalty which the appellate authority proposes to impose, is one of the penalties specified in clauses (v) to (ix) of Rule 6 and an inquiry under rule 9 has already been held in the case, the appellate authority shall, make such orders as it may

deem fit;

(iv) subject to the provisions of Rule 14, the appellate authority shall-

(a) where the enhanced penalty which the appellate authority proposes to impose, is one specified in clause (iv) of Rule 6 and falls within the scope of the provisions contained in sub-rule (2) of Rule 11; and

(b) where an inquiry in the manner laid down in Rule 9, has not already been held in the case, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 9 and thereafter, on a consideration of the proceedings of such inquiry, pass such orders as it may deem fit; and

(v) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of Rule 11, of making a representation against such enhanced penalty

(3) In an appeal against any other order specified in Rule 18, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

23. Implementation of orders in appeal :-

The authority which made the order appealed against, shall give effect to the orders passed by the appellate authority.

24. Special provisions for non-gazetted staff :-

(1) Where the penalty of dismissal, removal, compulsory retirement, reduction or withholding of increment has been imposed, the appellate authority may, at its discretion and if it considers it necessary, give the non-gazetted Railway servant a personal hearing before disposing of the appeal. At this personal hearing, the Railway servant may be accompanied, if he so chooses, by another Railway servant employed on the same Railway Administration, Office of the Railway Board, its attached office or subordinate office, as the case may be, in which the appellant was or is working or an official (who is not a legal practitioner) of a Railway Trade Union recognized by the Railway Administration on which the appellant was or is employed.

(2) A Group C Railway servant who has been dismissed, removed or compulsorily retired from service may, after his appeal to the appropriate appellate authority has been disposed of, and within 45 days thereafter, apply to the General Manager for a revision of the

penalty imposed on him. In this application, he may, if he so chooses, request the General Manager to refer the case to the Railway Rates Tribunal for advice before he disposes of the revision petition. On receipt of such a request, the General Manager shall refer the case to the Chairman, Railway Rates Tribunal for advice sending all the relevant papers.

On receipt of the revision application by the General Manager, or on receipt of advice from the Railway Rates Tribunal, as the case may be, the General Manager shall dispose of the application in accordance with the procedure laid down in Rule 25 and pass such orders as he may think fit:

Provided that the procedure mentioned in this sub-rule shall not apply in cases where the General Manager or the Railway Board are the Appellate Authority:

Provided further that where a revision application has been disposed of by the General Manager under this sub-rule, no further revision shall lie under Rule 25.

(3) A Group D Railway servant, who has been dismissed, removed or compulsorily retired from service may, after his appeal to the appropriate appellate authority has been disposed of and within 45 days thereafter, apply to the Divisional Railway Manager and where he is not under the control of any Divisional Railway Manager to the senior-most Administrative Grade Officer under whose control he may be working, for a revision of the penalty imposed on him. The Divisional Railway Manager or the senior-most Administrative Grade Officer, as the case may be, shall thereafter dispose of the revision application in accordance with the procedure laid down in Rule 25 and pass such orders as he may think fit:

Provided that the procedure mentioned in this sub-rule shall not apply where the Divisional Railway Manager or the senior-most Administrative Grade Officer or any higher authority, as the case may be, is the appellate authority:

Provided further that where a revision application has been disposed of by the Divisional Railway Manager or the senior-most Administrative Grade Officer under this sub-rule, no further revision shall lie under Rule 25.

PART 6 REVISION AND REVIEW

25. Revision :-

(1) Notwithstanding anything contained in these rules -

(i) the President, or

(ii) the Railway Board, or

(iii) the General Manager of a Railway Administration or an authority of that status in the case of a Railway servant serving under his control, or

(iv) the appellate authority not below the rank of a Divisional Railway Manager in cases where no appeal has been preferred, or

(v) any other authority not below the rank of Deputy Head of Department in the case of a Railway servant serving under his control -

may at any time, either on his or its own motion or otherwise, call for the records of any inquiry and revise any order made under these rules or under the rules repealed by Rule 29, after consultation with the Commission, where such consultation is necessary, and may -

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) pass such orders as it may deem fit:

Provided that -

(a) no order imposing or enhancing any penalty shall be made by any revising authority unless the Railway servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed;

(b) subject to the provisions of Rule 14, where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of Rule 6 or the penalty specified in clause (iv) of Rule 6 which falls within the scope of the provisions contained in sub-rule (2) of Rule 11 or to enhance the penalty imposed by the order under revision to any of the penalties specified in this sub-clause, no such penalty shall be imposed except after following the procedure for inquiry in the manner laid down in Rule 9, unless such inquiry has already been held, and also except after consultation with the Commission, where such consultation is necessary.

(2) No proceeding for revision shall be commenced until after -

(i) the expiry of the period of limitation for appeal; or

(ii) the disposal of the appeal where any such appeal has been preferred:

Provided that the provisions of this sub-rule shall not apply to the revision of punishment in case of Railway accidents.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.

(4) No power of revision shall be exercised under this rule -

(i) by the appellate or revising authority where it has already considered the appeal or the case and passed orders thereon; and

(ii) by a revising authority unless it is higher than the appellate authority where an appeal has been preferred or where no appeal has been preferred and the time limit laid down for revision by the appellate authority, has expired:

Provided that nothing contained in clauses (i) and (ii) above, shall apply to revision by the President.

(5) No action under this rule shall be initiated by -

(a) an appellate authority other than the President; or

(b) the revising authorities mentioned in item (v) of sub-rule (1) - after more than six months from the date of the order to be revised in cases where it is proposed to impose or enhance a penalty or modify the order to the detriment of the Railway servant; or more than one year after the date of the order to be revised in cases where it is proposed to reduce or cancel the penalty imposed or modify the order in favour of the Railway servant: Provided that when revision is undertaken by the Railway Board or the General Manager of a Zonal Railway or an authority of the status of a General Manager in any other Railway Unit or Administration when they are higher than the appellate Authority, and by the President even when he is the appellate authority, this can be done without restriction of any time limit. Explanation: For the purposes of this sub-rule the time limits for revision of cases shall be reckoned from the date of issue of the orders proposed to be revised. In cases where original order has been upheld by the appellate authority, the time limit shall be reckoned from the date of issue of the appellate orders.

25A. Review :-

The President may at any time either on his own motion or otherwise review any order passed under these rules when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case has come or has been brought to his notice:

Provided that no order imposing or enhancing any penalty shall be made by the President unless the Railway servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in Rule 6 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under Rule 9 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in Rule 9, subject to the provisions of Rule 14 and except after consultation with the Commission where such consultation is necessary.

PART 7 MISCELLANEOUS

26. Service of orders, notices etc :-

Every order, notice and other process made or issued under these rules, shall be served in person on the Railway servant concerned or communicated to him by registered post.

26A. Service of orders, notices etc. on behalf of the Railway Board or President :-

Any of the following officers in the Ministry of Railways shall be competent to sign on behalf of the Railway Board or President any notice, process, order, etc. made or issued under these rules: -

- (i) Secretary, Railway Board/ Joint Secretary/Deputy Secretary.
- (ii) Executive Director /Director/ Joint Director.

27. Power to relax time limit and to condone delay :-

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time limit specified in these rules for anything required to be done under these rules or condone any delay.

28. Supply of copy of Commissions advice :-

Wherever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and, where such advice has not been accepted, also a brief statement of the reasons for such non-acceptance, shall be furnished to the Railway servant concerned alongwith a copy of the order passed in the case, by the

authority making the order.

29. Repeal and saving :-

(1) The Discipline and Appeal Rules for Railway servants, other than those employed in the Railway Protection Force, in force with effect from the 1st August, 1961 and any orders issued thereunder in so far as they are inconsistent with these rules, are hereby repealed:

Provided that -

(a) such repeal shall not affect the previous operation of the said rules, or any order made, or anything done, or any action taken, thereunder; and

(b) any proceedings under the said rules, pending at the commencement of these rules, shall be continued and disposed of, as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.

(2) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules or orders in force before the commencement of these rules.

(3) An appeal pending at the commencement of these rules against an order made before such commencement, shall be considered and orders thereon shall be made, in accordance with these rules, as if such orders were made and the appeal were preferred under these rules.

(4) As from the commencement of these rules, any appeal or application for revision and/or review against any orders made before such commencement, shall be preferred or made under these rules, as if such orders were made under these rules:

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal or revision and/or review provided by any rule in force before the commencement of these rules.

30. Removal of doubts :-

If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the President through the Railway Board, and the President shall decide the same.

31. Right to submit petitions to the President :-

Nothing in these rules shall operate to deprive a Railway servant from exercising his right of submitting a petition to the President in accordance with the instructions contained in Appendix II to the Indian Railway Establishment Code, Volume I (Fifth Edition- 1985).