



1
205/2017

पूर्वोत्तर रेलवे

कार्यालय
महाप्रबन्धक (कार्मिक)
गोरखपुर।

ई0पी0सं0-07-03

क्रमांक- 205/2017

आरबीई सं0-133/2017

सं0 ई/74/2/पार्ट-12/चार

दिनांक 29-09-2017

सचिव/महाप्रबन्धक
सचिव/अपर महाप्रबन्धक
सभी विभागाध्यक्ष
सभी मण्डल रेल प्रबन्धक
सभी कार्मिक अधिकारी
सभी मुख्य कारखाना प्रबन्धक
सभी अतिरिक्त मण्डलाधिकारी/स्थापना
पूर्वोत्तर रेलवे।

विषय:-रेल सेवक (अनुशासन एवं अपील) नियम 1968 के नियम 14 (II)-उचित प्रक्रिया का अनुसरण किये जाने के सम्बन्ध में।

रेलवे बोर्ड का पत्र सं0 (डी एण्ड ए) 2017 आरजी 6-21 दिनांक 18.09.2017 की अंग्रेजी प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्यवाही हेतु संलग्न कर प्रेषित की जा रही है।

संलग्नक/यथोपरि

(यू0 पी0 सिंह)
उपमुकाधि/अराज
कृते महाप्रबन्धक/कार्मिक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- महामंत्री/एन.ई.रेलवे मजदूर यूनियन/गोरखपुर - 40 प्रतियों में।
- 2- महामंत्री/प्रमोटी अधिकारी संघ/पूउरे/गोरखपुर - 02 प्रतियों में।
- 3- महामंत्री/रेसुब एशोसियेशन/पूउरे/गोरखपुर - 02 प्रतियों में।
- 4- पूर्वोत्तर रेलवे प्रथम श्रेणी अधिकारी संघ/गोरखपुर - 01 प्रति में।
- 5- महामंत्री/एससी/एसटी एवं ओबीसी एशोसियेशन/गोर0-02 प्रतियों में।
- 6- मुकार्याधी/एमपीपी को वेबसाइट पर अपलोड हेतु - 01 प्रति में।

कृते महाप्रबन्धक/कार्मिक

2
205/2017

12

RBE No. 133/2017

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

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

New Delhi, 18.09.2017

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

M.E.-RB
30/09/2017

21.09.17
22/09/17
20/09/17
20/09/17
20/09/17

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.

175

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.

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

Contd. 2/-

205/2017

- 2 -

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