



कार्यालय महाप्रबन्धक (कार्मिक), पूर्वोत्तर रेलवे, गोरखपुर -273012
Office of the General Manager (P), N. E. Railway, Gorakhpur-273012

File No: NER-HQ0PERS(POLI)/30/2021-O/o SPO/HQ/HQ/NER(**Computer No:** 50865) दिनांक 29-12-2021

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

- विषय :- (1) अराजपत्रित कर्मचारियों के पदोन्नति/एमएसीपीएस के मामलों में शील्ड-कवर प्रोसीजर की प्रक्रिया लागू करने के सम्बन्ध में ।
(2) कार्यरत रेल कर्मचारियों के ऊपर क्रिमिनल केसेज एवं सिविल केसेज के लम्बित होने की स्थिति में पदान्ति/एमएसीपी/वेतन निर्धारण के सम्बन्ध में निर्देश हेतु ।

उपरोक्त विषय पर उपमुसाप्र/डिपो/गोरखपुर के पत्र दिनांक 19.03.2021 तथा काकाधि/कार., यंत्रिक कारखाना/गोरखपुर के पत्र दिनांक 04.03.2021 के मामलों में प्रमुकाधि महोदया द्वारा निम्नलिखित आदेश प्रदान किया गया है, जिसे सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्यवाही हेतु जारी किया जा रहा है—

1. RBE No 13/1993 dt 21/1/93, which govern the matters of promotion, the rules for MACPS also specify that MACPS will be subject to rules for promotion. Therefore instruction dt 21/1/93 will apply to MACPS as well.
2. In case of RP(UP) act cases, there is a prosecution case against them and hence the instructions dt 21/1/93 will be applicable to these cases. Para 2 (iii) covers employees under prosecution and as per procedure given in para 3, such persons have to be excluded from the published panel.
3. The only difference is that MACP is given from back date or from the date of completion of specified years unlike normal promotion which is from the date of panel. In this case, it is not known whether on the date of their being due for MACP, whether there was any prosecution case pending against them. If there was no case on the date of their becoming due for MACP, then their case can be considered as the process delay was on administrative account.
4. The letter of SPO/HQ/GKP Letter No Ka/210/12/Depo/Rajesh Chandra Gurge/Nawam/Loose dt. 04/06/2020, mentioning that since DAR has not been taken, the cases can be considered for MACP/promotion is incorrect. DAR is an administrative action to be taken as a follow up to criminal proceeding/prosecution and is not an independent activity. Therefore, failure to take up DAR does not reduce the gravity of prosecution proceedings.
5. As explained under para 1 and 2 above, normally the cases of MACP cannot be considered for cases under RP/UP act and after decision of court, the case should be put up for orders. Further the letter of SPO/HQ/GKP No Ka/210/12/Depo/Rajesh Chandra Gurge/Nawam/Loose dt. 04/06/2020 stands withdrawn with immediate effect as it was not issued as a policy clarification with the approval of competent authority. Letter to be issued to all units to ensure DAR is taken when RP UP act cases are registered

(आनन्द कुमार)

अनुमोदित/सहसचिव/आनन्द
कृते महाप्रबन्धक/कार्मिक

Date: 29-12-2021 15:36:52

Reason: Approved

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1) उपमुसाप्र/डिपो/गोरखपुर का पत्र सं. एस/10/विविध/गोपनीय/गोरखपुर डिपो दिनांक 19.03.2021
- 2) ककाधि/कार./गोरखपुर का पत्र सं. ई/पीसी/ई-1745/लूज दिनांक 04.03.2021
- 3) महामंत्री/एन.ई. रेलवे मजदूर यूनियन/गोरखपुर।
- 4) महामंत्री/प्रमोटी अधिकारी संघ/पूर्वोत्तर रेलवे/गोरखपुर।
- 5) पूर्वोत्तर रेलवे प्रथम श्रेणी अधिकारी संघ/गोरखपुर।
- 6) महामंत्री/एस.सी./एस.टी. एवं ओबीसी एशोसियेशन/गोरखपुर।

कृते महाप्रबन्धक/कार्मिक



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विषय :- (1) अराजपत्रित कर्मचारियों के पदोन्नति/एमएसीपीएस के मामलों में शील्ड-कवर प्रोसीजर की प्रक्रिया लागू करने के सम्बन्ध में ।
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(आनन्द कुमार)

सकाधि/मुख्या.-।।

कृते महाप्रबन्धक/कार्मिक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1) उपमुसाप्र/डिपो/गोरखपुर का पत्र सं. एस/10/विविध/गोपनीय/गोरखपुर डिपो दिनांक 19.03.2021
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Digitally Signed by Anand Kumar

Date: 29-12-2021 15:37:34
कृते महाप्रबन्धक/कार्मिक
Reason: Approved