

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. E(P&A) I-84/CPC/LE-3

New Delhi, Dtd. 23.3.1985.

The General Managers,
All Indian Railways, CLW, DLW, ICF etc.

Sub: Removal from service of temporary Railway employees
for unauthorised absence - amendment to Rule 732-RI.

Ref: Replies in response to D.O. letter of even number
dated 19/20.6.84.

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In the light of the response to this Ministry's letter of even number dated 19/20.6.84, the Ministry of Railways have reviewed the provisions contained in Note (2) below Rule 732-RI.

2. Keeping in view the provisions contained in Rule 2014-RII and current judicial pronouncements on this subject, it would not be correct to remove a temporary railway servant from service on grounds of "deemed resignation", for reasons of unauthorised absence. Temporary railway servants also should be afforded an opportunity to show cause under the Discipline & Appeal Rules, before they are removed from service for unauthorised absence.

3. Accordingly, the President is pleased to decide, in exercise of powers conferred by proviso to Article 309 of the Constitution of India, that Note (2) under Rule 732 of the Indian Railway Establishment Code Volume I shall be amended as in the advance correction slip No. 419-RI enclosed, from the date of issue of this letter.

4. These instructions will not, however, apply to casual labour who have been granted temporary status and perquisites applicable to temporary railway employees, but have not been absorbed in regular temporary establishments. In their cases existing rules and orders will continue to remain in force.

5. Hindi version will follow.

6. Kindly acknowledge receipt of this letter.

K. Venkatesan

(K. Venkatesan)
Addl. Director, Estt. (P&A)
Railway Board.


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No.E(P&A)I-84/CPC/LE-3

New Delhi, Dtd. 23.3.85.

Copy (with 40 spares) forwarded to A.D.A.I. (Railways),
New Delhi.


for Financial Commissioner, Railways.

No.E(P&A)I-84/CPC/LE-3

New Delhi, Dtd. 23.3.85.

Copy forwarded to:-

FA & CAOs, All Indian Railways, CLW, DLW, ICF,
Metro Rail, Calcutta, MTP(R), Delhi/Bombay/Madras.

The General Managers,
Metro Rail, Calcutta;
Wheel & Axle Plant, Bangalore.

The General Managers (Const.),
Southern Railway, Bangalore.
Northeast Frontier Railway, Maligaon.

The Director General, R.D.S.O., Lucknow.

The Chairman, Railway Service Commission, Allahabad/Bombay/
Calcutta/Madras/Muzaffarpur/Secunderabad/Gauhati/Bangalore/
Patna/Trivandrum/Bhopal/Bhubaneswar/Chandigarh/Ajmer/
Ahmedabad/Firozpur.

The Chief Administrative Officer,
Central Organisation for Modernisation of Workshops,
1-Eastern Avenue, Maharani Bagh, New Delhi.

The Chief Engineer, Railway Electrification, Allahabad.

The Principal, Railway Staff College, Vadodra.

The Chief Administrative Officer, MTP(Railways), Delhi/
Bombay/Madras.

The Principal, Indian Railways Institute of Mechanical &
Electrical Engineering, Jamalpur.

The Principal, Indian Railways Institute of Signal Engg. &
Telecommunications, Secunderabad.

The Principal, Indian Railways Institute of Advanced Track
Technology, Pune.

....3/-

The Secretary, Railway Rates Tribunal, Madras-28.

The Railway Liaison Officer, New Delhi.

The Director, Rail Movement, Calcutta.

The Joint Director, Rail Movement, Mughalsarai.

The Chief Mining Adviser, Ministry of Railways, Dhanbad.

The Joint Director, Iron & Steel, 3-Koilghat Street, Calcutta.

The Chief Administrative Officer, Indian Railways Diesel Components Works, Nabha Road, Patiala.

The Commissioner, Railway Safety, Lucknow.

FA & CAOs, Wheel & Axle Plant, Bangalore,
Northeast Frontier Railway (C), Maligaon,
Southern Railway (C), Bangalore.

COFMOW, Maharani Bagh, New Delhi.

Diesel Component Works, Patiala.

Joint Director, Finance, RDSO, Lucknow.

Pay. and Accounts Officer, Ministry of Railways, Rail Bhavan,
New Delhi.

The General Secretary, IRCA, New Delhi for information.

(K. Venkatesan)

(K. Venkatesan)
Addl. Director, Establishment (P&A)
Railway Board.

No. E(P&A) I-84/CPC/LE-3

New Delhi, Dated 23.3.85.

Copy (with 25 spares) forwarded to:-

1. The General Secretary, NFIR, 3-Chelmsford Road, New Delhi.
2. The General Secretary, AIRF, 4-State Entry Road, N. Delhi.
3. Copy to all members of the National Council, Departmental Council and Secretary, Staff Side, National Council, 13-C, Sarojeshah Road, New Delhi.

(D. S. Singh)
for Secretary, Railway Board.

Copy to:-

PSs to CRB, F.C., M.E., M.T., M.S., Adv. (IR), Adv. (F),
DE, Secy.

F(E)I, II & III.

ERB-I, II, III & IV; E(LR)II & E(LR)III.

E(NG)I, II, CashI & II, E(G), E(O)I, II & III, A/C III
(with 10 spares) and E(LR)I

PAs to ADPC, Addl.DE(S), Addl.E(N), JDE(N), JDF(E),
DDF(E)III.

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Advance Correction Slip to Indian
Railway Establishment Code; Volume I.

Advance Correction Slip No. 419-RI

Substitute the following for the existing Note (2) under Rule 732 of the Indian Railway Establishment Code Volume I :

"Note (2) - Where a temporary railway servant fails to resume duty on the expiry of the maximum period of extra-ordinary leave granted to him or, where he is granted a lesser amount of extraordinary leave than the maximum amount admissible, and remains absent from duty for period which, together with the period of extra-ordinary leave granted, exceeds the limit upto which he could have been granted such leave under sub-rule (1) above, he shall, unless the President in view of the exceptional circumstances of the case otherwise determines, be removed from service after following the procedure laid down in the Discipline and Appeal Rules for Railway Servants."

(Authority Railway Board's letter No. E.(P&A)I-84/CPC/LE-3 dated:23.3.85)