

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. E(D&A) 2004/RG 6-8

New Delhi, dated 19.7.2006

The General Manager (P),
All Zonal Railways, PUs etc.
(As per standard lists)

Sub: Suspension of Railway Servants – Review of – Instructions reg.

Rule 5 of RS(D&A) Rules, 1968 has been amended vide Notification of even number dated 18.7.2006 to provide that an order of suspension made or deemed to have been made under sub-rule (1) or (2) of this Rule, unless revoked before expiry of 90 days, shall be reviewed by the competent authority on the recommendation of the Review Committee constituted for the purpose. It is also being provided in the Rules that an order of suspension made or deemed to have been made under sub-rule (1) or (2) of rule 5 shall not be valid after 90 days unless it is extended after review for a further period before the expiry of 90 days. Such extension of suspension shall be for a period not exceeding 180 days at a time.

2. It is therefore necessary to constitute Review Committee(s) to review the suspension cases. The composition of Review Committee(s) may be as follows :-

- (i) The committee will ordinarily be constituted by the appellate authority and would comprise of the suspending authority and two officials not lower in rank than the suspending authority. However, an authority higher than the suspending authority, including the revisionary authority, may also constitute the committee. The committee will submit its recommendation to the authority which constituted the committee who will then take a decision in the matter;
- (ii) Where General Manager or an officer of equivalent rank or Director of a Centralised Training Institute or Chairman of Railway Recruitment Board or Head of any other organisation under the administrative control of the Ministry of Railways is the suspending authority, the review committee shall be constituted by the Railway Board (the Functional Member) and would comprise of the suspending authority and two other officers from the Railway Board who are not lower in rank than the suspending authority. However, keeping in view the fact that the offices of the Zonal Railways, Training Institutes, Railway Recruitment Boards, etc., and that of the Railway Board being far away from each other and the sensitive and important duties being shouldered by the Suspending Authority and other Members of the Committee, it may not be possible for them to meet jointly. Thus, where the General Manager or officer of equivalent rank or Director of a Centralised Training Institute or Chairman of Railway Recruitment Board or Head of any other organisation under the administrative control of the Ministry of Railways is the Suspending Authority, that authority may submit

his recommendation to the Railway Board (the Functional Member) who, after considering the same, alongwith the recommendations of the other two members shall take a decision in the matter.

- (iii) Where Board is the suspending authority, the President will constitute the committee consisting of three Board Members including the Board Member who suspended the officer. The committee will submit its recommendation to the President for taking a decision;
- (iv) Where President is the suspending authority, the President will constitute the committee consisting of three Board Members including the functional Board Member i.e. on the lines similar to item (iii) above.

3. The Review Committee may take a view regarding revocation/continuation of the suspension keeping in view the facts and circumstances of the case and also taking into account that unduly long suspension, while putting the employee concerned to undue hardship, involve payment of subsistence allowance without the employee performing any useful service to the Government and make its recommendation. Without prejudice to the foregoing, if the officer has been under suspension for one year without any charges being filed in a court of law or no charge-memo has been issued in a departmental inquiry, the suspension shall ordinarily be revoked without prejudice to the case(s) against him. However, in case the official is in police/judicial custody or is accused of a serious crime or a matter involving national security, the Review Committee may recommend the continuation of the suspension of the official concerned.

4. Please ensure that the above instructions are brought to the notice of all concerned and necessary Review Committees are constituted accordingly. It may also be impressed upon all concerned that lapsing of any suspension order on account of failure to review the same will be viewed seriously. Onus will be on the Suspending Authority to take a view regarding the suspension and if it is not proposed to revoke the suspension, to forward the necessary papers to the competent authority well before the expiry of ninety days from the date of suspension, for further action in terms of provisions of sub-rule (6) and sub-rule (7) of rule 5 of RS(D&A) Rules, 1968.

Please acknowledge receipt.

Sd/-
(Harish Chander)
Dy. Director Establishment (D&A) III
Railway Board