

R.B. Estt. No.140/2009

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. E(D&A) 2008 RG 6-29

dated 4.8.2009

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

Sub: Need for speedy finalisation of disciplinary cases.

Of late, it has come to the notice of the Railway Board that on some of the Zonal Railways the disciplinary cases are not being finalized within a reasonable time resulting in severe hardship to the railway servants especially the retired ones whose pensionary benefits are withheld due to the pending disciplinary case. Recently, a disciplinary case, which was received from one of the Railways more than 12 years after issue of the chargesheet, was referred to the CVC and the UPSC for their advice. The inordinate delay in the case invited embarrassing and avoidable adverse comments from both the Commissions. The UPSC have also desired that in future the delay in finalization of the disciplinary cases be justified while forwarding the cases to them for advice.

E(D&A)85RG6-21
dated 30.5.1985
E(D&A)86RG6-41
dated 3.4.1986
E(D&A)906RG6-18
dated 9.2.1990
E(D&A)97RG6-
Monitoring(I)
dated 20.7.1998 &
28.1.2000
E(D&A)2000RG6-
63 dated
18.12.2000
E(D&A)2004RG6-
14 dated 2.7.2004

2. In this connection, attention is invited to Board's instructions quoted in the margin whereby the need for speedy finalization of disciplinary cases has been emphasized from time to time. This has also been reiterated recently vide Board's letter of even number dated 23.9.2008. The Railways were also asked to develop a mechanism to monitor the disciplinary cases so as to avoid unnecessary delay. This monitoring may be done both at Headquarter and Division/Workshop levels with special attention to the cases of the retired railway servants and those who are due to superannuate within one year. Also, the cases which have not been finalized even after two years of issue of chargesheet should be reviewed immediately at sufficiently higher level at the Railway Headquarter and necessary guidelines be given to the concerned officers to finalise such cases immediately.

3. Despite the above, things have not improved as cases which are unduly delayed continue to be received in Board's office and that too in a sketchy and incomplete manner necessitating back reference resulting in further delay. It has been noticed that often the delay in finalization of the disciplinary cases is because of non-fulfillment of certain provisions by the Disciplinary Authority and the Inquiry Officer. To overcome this problem henceforth all the disciplinary cases may be routed through the Personnel Department at all important stages viz. issue of chargesheet, appointment of Inquiry Officer/Presenting Officer supply of inquiry report to the Charged Officer and passing of final orders by the Disciplinary Authority.

3.1 It is also seen in some cases that the inquiry proceedings are not conducted by the Inquiry Officer in accordance with the rules perhaps due to ignorance of the rules. It is, therefore, necessary to make available a copy

each of Board's Master Circular No.67 to the Inquiry Officer alongwith the appointment order. This may be done invariably in all cases.

4. Also, a lot of time is lost in the pension cut cases as the Railways do not send all the requisite documents while sending the cases to the Board for Presidential consideration. For this purpose the Railways may scrupulously forward all the documents listed in the Check List sent herewith as Annexure. All the documents may be sent either in original or as attested photocopy.

5. It is once again impressed upon the Railways that while forwarding cases to Board care should be taken to ensure that all the requirements have been complied with and the checklist etc are filled in complete in all respects to avoid back reference and consequent delay. The time taken from the date of issue of chargesheet to the date of reference to Board may also be explained in detail to enable the same being conveyed to the UPSC.

6. Please acknowledge receipt.

Sd/-
(K. Krishnan)
Director Establishment (D&A)
Railway Board

ANNEXURE

Check List

1.	Name & Designation	
2.	Complaint	
3.	Fact Finding Report/ Primary Investigation Report/ Vigilance Investigation Report/ CBI report	
4.	CVC's 1 st and 2 nd stage advice	
5.	Charge memo and its annex	
6.	Acknowledgement of CO to the Charge Memo	
7.	Reply of Charged Officer on Charge Memo	
8.	Nomination of defence helper & its consent	
9.	Nomination of Inquiry Officer	

10.	Nomination of Presenting Officer	
11.	Suspension order and its revocation	
12.	Relied Upon Documents	
13.	Addl. documents	
14.	Defence documents	
15.	Prosecution witness & defence witness	
16.	Correspondence of IO with CO & Disciplinary Authority	
17.	Notices sent to CO for attending inquiry	
18.	Daily Order Sheets	
19.	Deposition-oral statement, recorded from prosecution witness and defence witness	
20.	Statement of defence of C O	
21.	General examination of C O	
22.	Copies of relevant documents supplied to CO	
23.	P O's brief	
24.	C O's brief	
25.	Copy of brief of P.O. given to Charged Official	
26.	Inquiry Report	
27.	Supply of Inquiry report to CO	
28.	Disagreement of D A	
29.	Representation of Charged Officer against Inquiry report	
30.	Parawise comment of DA on representation of Charged Officer	

31.	Final views of DA	
32.	Views of CPO & PHOD	
33.	CRs of C O for five years	
34.	Service book of CO	
35.	Action taken against co-accused	
36.	Amount of Pension	
37.	Amount of DCRG	
38.	Whether DCRG is withheld	
39.	UPSC proforma	
40.	DOB	
41.	DOA	
42.	DOR	
43.	Post/Scale/Pay	
44.	Appointing Authority w.r.t. above post	
45.	Next Lower Post/Scale	
46.	Details of CAT/Court Cases and orders of such courts, if any.	