

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No.E(O)I-2019/Policy/03

New Delhi, the 11th July, 2019.

The General Managers,
All Indian Railways, CORE and Metro Railway

The Director General,
RDSO, NAIR

The General Managers,
Production Units

The Directors,
Centralised Training Institutes (as per standard list).

Sub: Cases received in the Single Window System for receiving disciplinary cases of gazetted officers in Railway Board – Further guidelines

Ref:- Board's letter of even no. dated 13.2.2019.

1. Pursuant to Hon'ble MR taking a serious view in regard to delay in finalization of cases under D&AR, with a view to bringing the cases to a logical conclusion in a time-bound manner, Single Window System has been introduced in Railway Board for receiving disciplinary cases of gazetted officers vide Board's letter under reference. While receiving the cases in Board, the following anomalies observed in the cases finalized at the Zonal Railway/ PU/ Institutes level are brought to the notice of all concerned so that these may be suitably addressed:-

2. Charge Memorandum stage

- (i) In many cases, the Charge Memorandum is not prepared properly. Relevant and legible RUDs are not furnished and at times these are not duly authenticated. Generally, the Article(s) of charge to the memorandum conclude with the violation of various provisions of Conduct Rules (only para numbers and their description are mentioned). It is, however, reiterated that the body of the charge memorandum should contain elaboration of the relevance of the provisions of the Conduct Rule violated. It is also reiterated that violation of the relevant Conduct Rules should be specifically framed in relation to the charge in question.
- (ii) In CBI cases, the draft Charge Memorandum received from the CBI generally contains many RUDs which are not relevant to the departmental cases. However, these are included in these cases without any application of mind. Most of these RUDs lie with the CBI and hence, when the CO asks for the

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same, Railway fails to provide these due to non-availability. This can be avoided if RUDs only relevant to the departmental Charge Memorandum are included. It would be advisable to obtain authenticated RUDs from the CBI before issue of charge memorandum. It would also be desirable if photocopy of all the documents are retained before handing over the departmental documents to CBI. Further, the list of witnesses received from the CBI should also be scrutinized meticulously so that outsiders (other than Railway employees including officers of other departments) whose presence during the inquiry would not be feasible do not figure in the same.

- (iii) In minor penalty cases, the RUDs relevant to the charge memorandum should be furnished along with the draft charge memorandum. In appeal cases, it is further advised that authenticated RUDs are made available before these cases are referred to the Railway Board/President so that delays can be minimized.

3. Inquiry stage

It has been observed that delays occur at the inquiry stage as the inquiry officers are not generally aware of the minute details of the inquiry proceedings. To avert the same, it has been decided that officers in Zonal Railways/PUs/Railway Institutes along with officers in Board issuing orders appointing Inquiry Officer may invariably mention the following link to the "Handbook for Inquiry Officers and Disciplinary Authorities" in their letter appointing Inquiry Officers and Presenting Officers, so that the Inquiry Officers can take help from this handbook before finalizing their inquiry.

https://dopt.gov.in/sites/default/files/Vigilance_Handbook-2013.pdf

4. Penalty stage

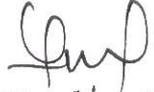
- (i) In many cases it has been seen that the inquiry reports are served on the charged officials without the DA's acceptance. This is a procedural lapse and needs to be avoided.
- (ii) Many orders imposing penalty are not in the form of detailed speaking orders. It is advised that only detailed speaking orders under the signature of the Disciplinary Authority should be issued.
- (iii) It is observed that in many Zonal Railways/PUs and Railway Institutes, penalty is imposed by the DA without proper and readable RUDs. It is at this stage when the officers make an appeal against the penalty, a search for readable RUDs is made and in many cases they are not available. It may be ensured that authenticated, readable and relevant RUDs are made available to the DA before imposition of penalty.

5. General issues

- (a) In many cases, it is observed that very often proper procedure is not followed by the dealing officers/officials. When these cases are received in Board for placing them before the Competent Authorities, these are referred back to Zonal Railways for rectification leading to undue delay. Officials of the Personnel and Vigilance Departments need to be trained/ sensitized on the procedural issues.

(b) All cases of D&AR pertaining to Gazetted Officers referred to Board should henceforth be invariably submitted along with chronology of events (both hard copy and soft copy) alongwith explanation for the delay in processing of the case, if any.

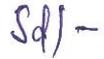
(c) The Disciplinary Authorities in the Zonal Railways, Production Units and Centralised Training Institutes may expedite their speaking orders and parawise comments on appeals so that the processing of these DAR and appeal cases can be expedited.



(H. Moharana)
Joint Secretary/Establishment
Railway Board

Copy to:

1. PED/Vigilance, Railway Board for information and further necessary action.
2. Officers of E(O)-I Branch, Railway Board.
3. Guard file



(H. Moharana)
Joint Secretary/Establishment
Railway Board