

## CHAPTER XII

### MISCELLANEOUS

#### **1201. Role of E(O)I Branch of Railway Board in Vigilance related DAR cases:**

1201.1 In all vigilance related disciplinary cases where Railway Board or the President is the disciplinary/appellate authority, E(O)I is the nodal branch for processing such cases as per procedure laid down in the Railway Servants (Discipline & Appeal) Rules, 1968.

1201.2 In cases where charged officer is of the level of SAG or above (excluding Members of Railway Board), Railway Board is the disciplinary authority (DA) right from the initiation of the disciplinary proceedings up to its finalization. Similarly in respect of cases involving initiation of departmental proceedings for cut in pension/gratuity against gazetted officers where President is the disciplinary authority, E(O)I is the nodal Branch.

#### **1201.3 Procedure for Minor penalty proceedings:**

(a) After the Competent disciplinary authority decides to initiate disciplinary proceedings, E(O)I arranges issue of chargesheet to the charged officer. In respect of minor penalty proceedings, in case the charged officer wants to scrutinize the documents mentioned in the charge memorandum, the same are made available for inspection (depending on their relevance to the disciplinary case) to the charged officer through the concerned General Manager or through Vigilance Directorate of Railway Board.

(b) After receipt of defence statement of the charged officer, case is submitted to the disciplinary authority for deciding whether in view of charged officer's submissions he needs to be exonerated or punished. In case, it is decided to punish the officer, the nature of penalty is specified by the DA while passing the speaking order.

(c) The disciplinary authority's speaking order is conveyed to the charged officer by E(O)I through the concerned Railway/Production Unit.

#### **1201.4 Procedure of Major penalty proceedings:**

(a) After the competent disciplinary authority decides to initiate disciplinary proceedings, E(O)I arranges issue of chargesheet to the charged officer. On receipt of defence statement by the charged officer denying the charges, E(O)I puts up the case to the disciplinary authority for decision whether disciplinary proceedings should be dropped at this stage by exonerating the officer, or to hold departmental inquiry to arrive at the truth or otherwise on the articles of charges. The disciplinary authority can also decide to impose a minor penalty on the charged officer if warranted based on the facts and circumstances of the case.

- (b) If it is decided by the disciplinary authority to exonerate the charged officer or to impose only a minor penalty on him, the orders are communicated to the CO by E(O)I through the concerned Railway/Production Unit.
- (c) In cases where disciplinary authority decides to remit the case to inquiry, E(O)I shall arrange issue of appointment orders of Inquiry Officer (IO) and Presenting Officer (PO) with the approval of the disciplinary authority.
- (d) After receipt of IO's report, the case is put up by E(O)I to the disciplinary authority for tentative acceptance or otherwise of the findings contained in the IO's report. In case for any article of charge, the disciplinary authority deems fit to disagree with the IO's findings, then a Disagreement Memo with the approval of the disciplinary authority is finalized and IO's report along with disagreement memo is communicated to the charged officer for submission of representation thereon. In case where IO's findings are not accepted as such by the disciplinary authority, the same is forwarded to the CO by E(O)I to enable him to submit his representation thereon. In appropriate cases, the DA may also remit the case for further inquiry and resubmission of a fresh report to him.
- (e) After receipt of charged officer's representation on the IO's report and disagreement memo, if any, E(O)I puts up the case to the disciplinary authority i.e., Railway Board for passing a speaking order and if the case warrants any penalty, for imposing the penalty which is within its competence. The penalty orders or the orders exonerating the CO, as the case may be, as per Board's decision are communicated by E(O)I to the concerned Railway/Production Unit.
- (f) In case, the intended penalty does not fall within the competence of the Railway Board, it shall make recommendation to the President for deciding the case by imposing penalty as considered appropriate by the President. The President takes a final decision, in consultation with the UPSC which is then communicated to the charged officer by E(O)I again through the concerned Railway/Production Unit.

1201.5 **Cases referred to the Higher Authority because of competency problem:** In cases where the disciplinary authority is the designated Railway officer on the Zonal Railways, and after following the inquiry procedure prescribed under Rule 9 of RS(D&A)Rules, 1968, that authority decides to impose a penalty which is not within its competence (e.g. imposition of a major penalty on a Group 'A' officer which is not within the competence of the General Manager of a Zonal Railway and can be imposed by the Railway Board or the President only, and similarly proposals for imposition of cut in pension or gratuity of a Railway officer which can be done by the President only), the concerned Railway/Production Unit sends formal recommendation to E(O)I seeking competent authority's decision. Such cases are processed by E(O)I following the same procedure in consultation with the UPSC as applicable to SAG and above level officers by the Railway Board enumerated in para 1201.2.

- 1201.6 **Disciplinary action arising out of conviction by a Court of Law:** Disciplinary case emanating out of conviction of a Railway Officer by a Court of Law, are processed by E(O)I. After Railway Board/ President's provisional decision, a Show Cause Notice under Rule 14(i) of RS(D&A) Rules, 1968 is issued to the charged officer. On receipt of charged officer's representation against the Show Cause Notice, the case is again submitted by E(O)I to the Railway Board for a final decision. In case, President is the competent disciplinary authority issuing the Show Cause Memorandum, the case is decided by the President, in consultation with the UPSC for which the case is processed in E(O)I Section. Finally, the orders as per the disciplinary authority (Railway Board or the President) is communicated by E(O)I to the concerned officer through the Railway /Production Unit concerned.
- 1201.7 **Appeals :** Wherever Railway Board or the President is the prescribed Appellate Authority under the Railway Servants (Discipline & Appeal) Rules, 1968 - the appeals preferred by the Group 'B' officers against the penalties imposed by the General Managers of Zonal Railway which fall within the competence of the Railway Board and against penalties imposed against Group 'A' officers by General Manager for which appeal lies with the President and against the penalties imposed by Railway Board within its competence against which also appeal lies with the President - E(O)I processes the case in consultation with the UPSC, wherever required. E(O)I obtains Appellate Authority's decision on the appeal and communicates to the appellant through the concerned Railway/Production Unit.
- 1201.8 **Review Petitions, Memorials, Petitions to the President :**E(O)I processes the review petitions in terms of provisions made in the RS(D&A) Rules on the same lines applicable to processing of appeals. Petitions and Memorials/Petitions to the President are dealt with by E(O)I in terms of provisions made in the Indian Railway Establishment Code, Volume I.

## **1202. Role of Establishment (D&A) Branch of Railway Board:**

- 1202.1 Under the Schedule of Powers related to the non-gazetted staff, the disciplinary cases are, by and large, finalised at the Railways' level and in the normal course, no cases of non gazetted staff are dealt in Board's office. However, there are two exceptions to this, viz. (a) Mercy Petitions to the President under Rule 31 of the Railway Servants(Discipline and Appeal) Rules, 1968 and (b) proceedings for cut in pensionary benefits under Rule 9 of the Railway Services(Pension) Rules, 1993. Such cases are dealt in the Establishment Directorate {E(D&A) Section} of the Railway Board's office. The procedure, in brief, is as follows:-
- 1202.2 **Mercy Petitions :** The procedure for dealing with such petitions is given in detail in Appendix II to the Indian Railway Establishment Code, Volume I. Where it is decided that the case warrants consideration of the petition and modification of any penalty

already imposed, the case is submitted to the Minister of State for Railways. Along with his recommendations and all the relevant records, the case is referred to the UPSC for advice, since orders are to be passed in the name of the President. On receipt of the UPSC's advice, the case is again submitted to the Minister of State for Railways for acceptance, and final orders are issued.

1202.3 **Pension cut** : This is governed by the provisions of Rule 9 of the Railway Services (Pension) Rules, 1993, and is used in case of grave misconduct or loss caused to the railway due to negligence, or in cases where the retired railway servant was facing prosecution on criminal charges while in service and was convicted after he had attained the age of superannuation. Proceedings are deemed to commence on the date of issue of charge sheet or date of suspension in departmental cases and from the date of taking cognisance of the charge sheet by a competent Court in criminal proceedings.

1202.4 **There can be two scenarios in respect of proceedings arising otherwise than as a result of conviction:**

(a) ***The charge sheet under this rule is issued after retirement:*** In this case, the prior approval of the Minister of State for Railways has to be obtained on behalf of the President and the charge memorandum issued. No action can be taken in respect of any offence committed more than four years prior to the initiation of such proceedings. An officer of the concerned department, to which the retired employee belongs, is nominated as disciplinary authority for the purpose of issue of the chargesheet and for all interlocutory steps like consideration of defence, conduct of inquiry proceedings etc. After completion of the inquiry proceedings, and obtaining CVC's advice (in vigilance cases) and after giving the charged official an opportunity to represent against the findings of the IO, the case is submitted to the Minister of State for Railways for a tentative view and thereafter referred to UPSC for advice. Such reference to UPSC is accompanied by all relevant records and a standard proforma containing the service particulars along with a check list of documents. UPSC's advice, when received, is considered by Minister of State for Railways and in case he accepts the advice, as to the quantum of cut in pension, the final orders are issued. In case of disagreement on this issue, which persists even after reconsideration of the case by UPSC, the case is referred to DOP&T. DOP&T's advice is considered again by MOS(R) and he takes a final decision based on this advice.

(b) ***Where proceedings are already in progress at the time of retirement:*** All the steps up to the receipt of the representation of the charged official against the IO's findings and the disciplinary authority's provisional views thereon are processed on the concerned Railway and the case is then referred to Board to obtain the advice of the UPSC on the quantum of punishment, as detailed above.

1202.5 **Cases of Conviction** : In cases of conviction, conduct leading to conviction is sufficient ground for cut in pension and the case is referred to UPSC for advice after

giving an opportunity to the convicted employee to represent against the proposed action.

**1203. Role of Personnel Branch of Zonal Railways in Vigilance related DAR cases:**

- 1203.1 Zonal Vigilance forwards CVC's 1<sup>st</sup> stage advice in respect of Gazetted officers to Dy.CPO/Gaz. along with draft charge sheet. Draft charge sheet for major penalty should accompany authenticated copies of Relied Upon Documents (RUDs). In the case of administrative actions, draft of show cause notice (SCN) or draft counselling memo should be sent along with 1<sup>st</sup> stage advice.
- 1203.2 Dy.CPO/Gaz. puts up 1<sup>st</sup> stage advice along with fair charge sheet to DA for consideration and signature of charge sheet, if acceptable. Dy.CPO then arranges serving of charge sheet to CO and obtains his acknowledgement.
- 1203.3 Representation of CO on the charge sheet is put up by 'P' branch on DAR file to DA through SDGM.
- 1203.4 DA records his speaking order on the charges, in the case of minor penalty charge sheet. In the case of major penalty charge sheet, DA remits the case for oral enquiry or if he differs with CVC's 1<sup>st</sup> stage advice, he records his provisional views on Vigilance file, for re-consideration of CVC. Cases of reconsideration are advised to SDGM for sending them to Railway Board.
- 1203.5 If the case is remitted to enquiry, SDGM advises names of IO and PO to Dy.CPO/Gaz. for their appointment by DA. Dy.CPO arranges issue of these appointment orders.
- 1203.6 IO after completing DAR enquiry, submits the report in five copies to the authority issuing his appointment order. The IO report is sent by 'P' branch to SDGM for obtaining CVC's 2<sup>nd</sup> stage advice. SDGM examines the inquiry report on Vigilance file and puts it up to DA along with Vigilance comments for recording DA's tentative views on the Vigilance file.
- 1203.7 SDGM then sends IO's report and connected documents and Vigilance comments along with findings of DA on each article of charge and DA's tentative views to Railway Board for obtaining CVC's 2<sup>nd</sup> stage advice.
- 1203.8 CVC's 2<sup>nd</sup> stage advice is communicated to Dy.CPO/Gaz. through SDGM. Dy.CPO puts up this advice to DA through SDGM, who connects Vigilance file for DA's consideration. DA orders serving IO's report along with Disagreement memo, if any, to CO. Disagreement memo, if required, is prepared taking into consideration CVC's 2<sup>nd</sup> stage advice.

- 1203.9 CO's representation is then called on IO's report and tentative disagreement memo of DA. CO's representation is then put up by 'P' branch on DAR file to DA through SDGM for recording DA's findings and his decision. In case of DA's disagreement with CVC's 2<sup>nd</sup> stage advice, DA's provisional views are recorded on vigilance file along with reasons for disagreement for reconsideration of CVC.
- 1203.10 The reconsidered advice of CVC is finally put up by 'P' Branch through SDGM to DA for taking final view. If disagreement still persists between DA and CVC despite reconsideration, DA may take a final view duly recording reasons for disagreement. This is taken as a case of disagreement between CVC and Ministry and CVC is advised about it. CVC may include the case in its Annual Report, which is placed on the floor of both Houses of Parliament and can be discussed by Hon'ble MPs.
- 1203.11. In the cases of NGOs involved in Composite case, CVC's 1<sup>st</sup> stage advice is sent by Vigilance to DRM/HOD/Head of extra Divisional unit for taking DAR action clearly mentioning that it is a CVC case so that appropriate procedure, applicable to CVC cases, is followed by DA. In major penalty cases, CVC's 2<sup>nd</sup> stage advice is necessary even for NGOs involved in composite case. In the case of disagreement of DA with CVC's advice, case is required to be sent to CVC for reconsideration with provisional views of DA and reasons for disagreement recorded on Vigilance file.

#### **1204. Handling of Vigilance cases in Public Sector Undertakings:**

- 1204.1 The jurisdiction of Central Vigilance Commission is co-terminus with the executive powers of the Union and it exercises superintendence over Vigilance administration of various Ministries of Central Government or Corporations established by/or under any Central Act, Government Companies, Societies and Local authorities owned or controlled by that Government.
- 1204.2 The Vigilance cases arising out of investigation conducted in cases involving officers upto two levels below Board of Directors is required to be referred to CVC for its advice.
- 1204.3 The cases involving Railway Officers (Gr. 'A') on deputation to PSUs/PSEs are required to be submitted to Railway Board for obtaining CVC's advice.
- 1204.4 The complaints against Board level appointees and above may be investigated by CVO of the Ministry of Railways. CVO of Ministry of Railways may, however, seek factual report against the Board level appointees from CVO of PSUs/PSEs and the latter will send the same to the CVO of the Ministry of Railways after endorsing a copy of the report to CMD to keep him informed of the development. However, if the CMD himself is the subject matter of investigation, the CVO of PSEs need not endorse a copy of the report to him. It will then be the responsibility of the CVO of the Ministry of Railways to obtain the version of the CMD (qua suspect person) at the appropriate time.

CVO of the Ministry of Railways may make reference to CVC after collecting all the relevant facts and following the prescribed procedure.

**1205. Posting and tenure of officers in the Vigilance Organisation:**

- 1205.1 Posting of Vigilance Officers is done with the approval of Additional Member (Vig.)
- 1205.2 Reference seeking Board's approval for posting of officers in the Vigilance Organisation should be addressed by the SDGMs to the Additional Member/ Adviser (Vigilance), who is the CVO of the Ministry of Railways. While submitting the proposals, SDGMs should ensure that the officer is chosen carefully in consultation with the PHOD concerned.
- 1205.3 The officer recommended should have a good record of service with adequate experience in the particular department. Names of atleast two or three suitable officers should be recommended alongwith their complete Confidential Report dossier, if not already available in the Board's office.
- 1205.4 Tenure of Vigilance Officers/ Enquiry Officers on the Railways should be three years from the date of their posting. In case it has to be extended beyond three years, Board's prior approval should be obtained.

**1206. Posting & Tenure of Vigilance Inspectors/ Investigating Inspectors/ Enquiry Inspectors on Zonal Railways:**

- 1206.1 Posting of officials in the Vigilance Organisation of the Zonal Railways should be made in consultation with the CVO concerned.
- 1206.2 These posts have been kept as tenure posts. The normal period of tenure should be 4 years which could be extended upto 6 years in individual cases meriting such a consideration by the GM of the concerned Railway/ Production Unit etc. based on the recommendation of the concerned CVO.
- 1206.3 The four year term (extendable to six years) should be the overall period which a railway servant or one taken on deputation from other department or State Government can spend in the Vigilance Organisation. As an example, if a railway servant had worked as a VI in a Zonal Railway and thereafter also in the Vigilance Directorate of the Railway Board for a total period of four years in all, he should not be continued further in the Vigilance Organisation except in individual cases of special merit and that too upto a maximum of six years. However, the tenure for Enquiry Inspector will be independent of the period spent by them earlier in the Vigilance Organisation in other capacities such as I.Is /V.Is, etc.

1206.4 Railways/PUs etc. in exceptional cases may recommend to the Board extension of tenure beyond six years of any individual cases of Vigilance Inspectors etc. provided any one of the following criteria is fulfilled:

- (a) the person is due to retire within a period of one year or so and it may not be convenient for him to rehabilitate himself during this period in his parent department;
- (b) no suitable person could be selected inspite of positive efforts made by the Railway and it is intended to extend his tenure by a short period to cover the process of selection, etc. (actual efforts of the railway already made be listed)
- (c) due to very good cases of investigation against senior people, it is feared that the Vigilance Inspector may be victimized on rehabilitation and efforts to find an alternative position for him have so far failed. The efforts made and genuine reasons for which the fear exists, will have to be enunciated.
- (d) In such cases, prior approval of the CVO of the Ministry of Railways would be required before continuing the V.I./I.I. beyond six years.

1206.5 **Rotation of officials working in sensitive posts:** Posts in the Vigilance Organisation are classified as sensitive warranting the rotation of officials as per extant instructions.

#### **1207. Selection of Investigating Inspectors in Railway Board:**

1207.1 Vacancies of Investigating Inspectors in the Railway Board are filled by drafting suitable persons from the different disciplines of Railway working for which purpose CVOs of the Zonal Railways are requested to recommend suitable persons. Those recommended by the SDGMs/CVOs are subjected to a written test followed by viva voce by a duly constituted Selection Committee. As applicable to Vigilance Inspectors of the Zonal Railways, Investigating Inspectors in the Vigilance Directorate, Railway Board hold their post on a tenure basis, the period of tenure being four years extendable to six years in individual case of special merit. The Recruitment Rules framed for filling the posts of Investigating Inspectors in the Railway Board clearly lay down the categories of persons who can be considered for appointment as Investigating Inspectors in Railway Board.

1207.2 **Grades applicable to Vigilance Inspectors/ Investigating Inspectors:** The Grades approved by the Pay Commission and accepted by the Government for Vigilance Inspectors/Investigating Inspectors are as under:

- (i) Rs.7450-11500
- (ii) Rs.6500-10500
- (iii) Rs.5500-9000
- (iv) Rs.5000-8000

1207.3 **Special Pay to Investigating Inspectors in Vigilance Directorate of Railway Board:**  
The staff inducted as Investigating Inspectors in the Vigilance Directorate of Railway Board in identical scale of pay are eligible for a special pay of Rs.400/- pm. The special pay of Rs. 400/- pm is uniformly applicable to the Inspectors in all three grades.

**1208. Selection of Vigilance Inspectors in Zonal Railways:**

1208.1 In terms of Board's letter No. E57/VGI-155 dated 01.02.1960, the posts of Vigilance Inspectors are to be treated as ex-cadre post and filled by suitable persons with a flair for Vigilance work. They should be of proven integrity. Vigilance history and reputation of the official should be checked minutely. However, applicants in the following situations, can also be considered for the post of Vigilance Inspectors:

- (a) Where a person was issued a major/minor penalty Charge-sheet in a vigilance case but was subsequently exonerated at a later stage in consultation with Vigilance.
- (b) Where a staff who was issued verbal/recorded warning or counseling in a vigilance case.
- (c) Where a staff was issued verbal/recorded warning or counseling in a vigilance case and at a subsequent stage was exonerated in consultation with Vigilance.

1208.2 The normal establishment rules applicable to regular selection posts need not be applied in the case of selection of Vigilance Inspectors, but the panel so drawn, is to be approved by the Chief Vigilance Officer of the Railway/PU personally. For filling up of a vacancy of a Vigilance Inspector, the normal procedure of considering candidates from the respective departments (e.g. Civil Engineering, Traffic, Stores, Mechanical Engineering, Personnel, Accounts etc.) should be followed. Along with these candidates, the Vigilance Inspectors of the particular discipline already working in the lower grade in the Vigilance Organisation may also be considered provided they are eligible on the basis of their grade in their own cadre in their department.

1208.3 It is also necessary for the SDGM as Chief Vigilance Officer to keep a constant watch over the work of Inspectors so that the staff who have not met the grade or who are otherwise considered unsuitable for continuing in the Vigilance Organisation are repatriated to their parent departments at the earliest possible stage. In any case, the performance of each Inspector should be reviewed a little before he completes two years in the Vigilance Organisation and thereafter further extension and tenure, if warranted, should be made only on a year to year basis with a similar review before every such extension is decided upon. Such a review and extension should be subject to the personal approval of the SDGM as the Chief Vigilance Officer.

1208.4 At the time of initial appointment of any person as the member of the investigating staff of the Vigilance Organisation, it should be made clear to that person that the posting in the Vigilance Organisation is on a purely temporary basis and that the Railway Administration has a right to repatriate the person at any time and without assigning any reason even if he has not completed initial period of tenure or extension, if any, granted thereto. It is necessary that the order of appointment or the order of posting to the Vigilance Organisation as also any other communication to the person concerned in this connection, is so worded that no staff will have or can claim a legal right to continue in a post in the Vigilance Organisation either indefinitely or for a specific period.

**1209. Training of Vigilance Officials:**

- (a) **Training Courses for SDGMs/CVOs:** At least one training course for SDGMs/CVOs is conducted every year.
- (b) **Training Courses for Vigilance Officers/Non-vigilance Officers:** At least one training course for untrained Vigilance Officers of Vigilance Directorate of Railway Board and those of the vigilance organizations of the Zonal Railways is conducted every year. Since some of the non-vigilance officials e.g. Dy.CPO/G and DAOs etc. are also handling vigilance cases at various stages of the laid down procedure, they are also included in the said training course for smooth functioning of the system.
- (c) **Training Courses for Railway Inquiry Officers (RIOs):** At present, retired Railway Officers of Selection Grade and above up to the age of seventy years, subject to their clean past, are empanelled for their subsequent appointment as Railway Inquiry Officers (RIOs), under fixed terms and conditions, for conducting Departmental Inquiry in DAR cases, involving Gazetted Railway Officers or a combination of gazetted and non-gazetted Railway Officials (Composite cases). However, before being entrusted with a departmental inquiry, they have to undergo a training course conducted by the Vigilance Directorate to make them familiar with the latest procedures laid down in this regard.
- (d) **Training Courses for Vigilance Inspectors/Investigating Inspectors:** At least one training course is conducted for untrained Vigilance Inspectors of the Zonal Railways and the Investigating Inspectors of the Vigilance Directorate of Railway Board to upgrade their skills in the matter of investigation and the related procedures.
- (e) **Vigilance Education:** The Chief Vigilance Officer/Deputy Chief Vigilance Officers/ Vigilance Officers/Inquiry Officers etc. must deliver lectures at the Zonal Training Schools etc. on the aspects concerning 'Vigilance' during the periods allotted on the subject of 'Vigilance' in each of the Induction/ Refresher/Promotional training courses so as to spread Vigilance education amongst the Railway officials and to make them aware about the likely pitfalls in

their professional disciplines as also about the various provisions of the Railway Services (Conduct) Rules and the Railway Services (Discipline & Appeal) Rules. Some minimum period has also been fixed which has to be allotted in all the training courses at the Zonal Training School etc. for coverage of the Vigilance aspects in service.

**1210. Issue of Identity Cards to Vigilance Officials:**

While going for inspection, check or investigation, Vigilance Inspectors should carry with them a current and valid Identity Card to show to the parties concerned before proceeding with the checks.

**1211. Preventive Checks:**

Each Vigilance Inspector in the Zonal Railway Vigilance organization and in the Vigilance Directorate of Railway Board is expected to conduct at least 10 preventive checks in every quarter. The various sensitive areas for the preventive checks in important Railway departments have already been earmarked and circulated to the Railways. These guidelines may also be seen at Annexures XII/1 to XII/8 for the various departments.

**1212. CVC's directives on putting the tenders/contracts on website:**

In order to bring about greater transparency in the procurement and tendering processes, the CVC has stressed the need for widest possible publicity. For bringing improvement in Vigilance administration, to curb malpractices in tender related matters, the CVC in the exercise of powers conferred on it under Section 8(1)(h) has issued detailed instructions for compliance by all government departments, PSUs, etc., over which the Commission has jurisdiction. These instructions are with regard to cases, where open tender system is resorted to for procurement of goods and services or for auction/ sale etc. of goods and services for putting them also on the website.

**1213. Website of CVC:**

The address of the CVC's website is [http:// www.cvc.nic.in](http://www.cvc.nic.in). The hard copies of the directives/ instructions and also the publications of the Commission can be downloaded from the website. Complaints on corruption can also be lodged on the website.

**1214. Preservation of various types of records of Vigilance Department:**

After considering the prevailing practice of various Zonal Railways, the following period is stipulated for preservation of various types of records in the Vigilance Department:-

S.No	Types of Records	Period of retention
1.	Policy files	Permanently
2.	SPE/CBI cases	10 years after closure *
3.	Cases which resulted in to major penalty (GOs & NGOs)	10 years after closure *
4.	Cases which resulted in to minor penalty (GOs & NGOs)	5 years after closure*
5.	Cases referred to other departments for action as deemed fit	3 years after closure*
6.	Cases of complaints which did not result in to any action. 3 years after closure*	
7.	Preventive Checks conducted & closed without action	1 year after closure*
8.	Anonymous/pseudonymous complaints filed	1 year after filing
9.	Vigilance clearance files/other Misc. files	1 year

**\*Closure:** The case may be treated as closed when all the actions such as prosecution, DAR action, administrative action, recoveries, banning of business, system improvement etc. as approved by the competent authority are concluded.

## 1215. Right to Information Act, 2005:

1215.1 **Preamble:** The Constitution of India has established a Democratic Republic. Democracy requires an informed citizenry and transparency of information which are vital to its functioning. It further requires to contain corruption and to hold Governments and their instrumentalities accountable to the governed. However, revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information. As such, while preserving the paramountcy of the democratic ideals, it is necessary to harmonise these conflicting interests. With these objectives in view, **the Right to Information Act 2005** has been enacted. The Act aims at setting out a practical regime of right to information to enable the citizens to secure access to information under the control of public authorities and thereby promoting transparency and accountability in their working. Now, **all citizens** (including public servants) have a right to information. It is not an absolute right but subject to the provisions of this Act. The Act **extends** to

the whole of India except the State of Jammu & Kashmir and is **applicable** to all the public authorities except the intelligence and security organisations (mentioned in the Second Schedule of the Act).

1215.2 **Important definitions:** It is important not only for the citizens seeking information under the Act but also for the public authorities in possession of the information to understand as to what does ‘information’, ‘record’ and the ‘right to information’ mean under the Act.

- (a) **‘Public Authority’** means any authority or body or institution of self-government established or constituted by or under the Constitution; by any other law made by Parliament; by any other law made by State Legislature; by notification issued or order made by the appropriate Government; and **includes any body (owned, controlled or substantially financed)** and non-Government organisation (substantially financed); **directly or indirectly by funds provided by the appropriate Government** [S 2 (h)].
- (b) **‘Information’** means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force [S 2 (f)].
- (c) **‘Record’** includes any document, manuscript and file, any microfilm and facsimile copy, any reproduction of images in the microfilms and any other material produced by a computer or any other device [S 2 (i)].
- (d) **‘Right to information’** includes the right to inspection of work, documents, records, taking notes, extracts or certified copies of documents or records, taking certified samples of material, obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts [S 2 (j)].
- (e) **‘Third party’** means a person other than the citizen making a request for information and includes a public authority [S 2 (n)].

1215.3 **Obligations of public authorities:** The Act casts an obligation and makes it incumbent upon every Public Authority: to maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information; and to ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated; to publish certain documents specified in Section 4 (1) (b); to publish all relevant facts while formulating important policies or announcing the decisions which affect public; to provide reasons for its administrative or quasi-judicial decisions to affected persons; to provide as much information (*through various means of communications, including*

*internet*) suo motu, so that the public has minimum resort to the use of this Act to obtain information; to disseminate the information (*make known or communicated to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means including inspection of offices*) widely and in such form and manner which is easily accessible to the public taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area; and to ensure that the information (*to the extent possible in electronic format*) is easily accessible and may be made available to the public free or at a cost prescribed by the Government [S4].

- 1215.4 The act further requires every public authority to designate PIO and APIO to provide information to the citizens. For proper discharge of his/her duties, the PIO may seek the assistance of any other officer who is supposed to render all assistance and for the purpose of any contravention of the provisions of the Act, such other officer shall be treated as a PIO [S 5]. Each public authority is required to designate an officer (senior in rank to the PIO) as Appellate Authority to consider appeals, if any, arising out of the decisions of the PIO.
- 1215.5 **Obtaining information:** For obtaining information, a citizen can apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for. For this purpose, they are required to pay the prescribed fees (if not belonging to the category below the poverty line). However, they are not required to indicate the reason for seeking the information. The PIOs are supposed to give the information (unless it is exempted from disclosure under the Act) within 30 days from the date of application. If the interests of a third party are involved, then the time limit will be 40 days. (the maximum period plus 10 days given to the party to make representation, if any) However, the time limit for information concerning the life and liberty of a person is only 48 hours. In case, the application for information is given to APIO, 5 days shall be added to the above response time. Failure on the part of PIO to provide information within the specified period is considered to be a deemed refusal.
- 1215.6 **Fees:** The Central Government has made the Right to Information (Regulation of Fee and Cost) Rules, 2005. As per these rules, a request for obtaining information under Section-6 (1) of the Act, should be accompanied by an application fee of Rs 10/- (Rupees ten only). For providing the information under Section-7 (1) of the Act, the fee shall be charged @ Rs 2 (two) per page (A-4 or A-3 size); actual charge or cost price of a copy in larger size paper; actual cost or price for samples or models. For inspection of records, no fee is payable for the first hour but a fee of Rs 5 (five) is payable for each subsequent hour (or fraction thereof). For providing the information under Section-7 (5) of the Act, the fee shall be charged @ Rs 50 (fifty) per diskette or floppy; and for information provided in printed form at the price fixed for such publication or Rs 2 (two) per page of photocopy for extracts from the publication.

- 1215.7 **Appeals:** The Act provides for appeals against the decision of the PIO. Any person, who does not receive a decision from the PIO within the specified time or is aggrieved by his decision, may, within a period of 30 days, prefer an appeal to such Officer who is senior in rank to the PIO in each Public Authority [S 19 (1)]. For this purpose, the Act casts an obligation upon the designated PIO to inter-alia communicate the particulars of the Appellate Authority to the applicant [S 7 (8) (iii)]. The citizens have a right to prefer a second appeal before the Central/State Information Commissions (constituted under the Act) as the case may be, against the decision of the Appellate Authority within 90 days. In the appeal proceedings before the Commission, the onus to prove that a denial of a request was justified shall be on the PIO who denied the request. The appeal shall be disposed of within 30 days (extendable to 45 days) and the decision of the Commission in this regard shall be binding [S 19].
- 1215.8 **Penalties:** At the time of deciding any complaint or appeal, if the Commission is of the opinion that the PIO has without any reasonable cause: refused to receive any application for information; or has not furnished the information within the specified time or malafidely denied the request for information; or knowingly given incorrect, incomplete or misleading information; or destroyed information which was the subject of the request; or obstructed in any manner in furnishing the information, it shall impose a monetary penalty (of Rs.250/- per day till application is received or information is furnished subject to a maximum of Rs.25,000/-) [S 20 (1)]. If the Commission is of the opinion that the PIO has without any reasonable cause and persistently failed to act, it shall recommend for a disciplinary action against the PIO under the Service Rules applicable to him [S 20 (2)].
- 1215.9 **Conclusion:** The intentions of the provisions contained in the Act are very clear, viz., to ensure transparency in the working of the public authorities by furnishing certain information to citizens who desire to have it and also by disseminating as much information as possible suo motu. While the citizens will have to be aware of their rights, the public authorities are supposed to be vigilant in their dealings and ready to fulfill their obligations harmonizing the conflicting interests of the democratic ideals and the larger public interests.

### **List of references**

1. Letter No.19-1/ 72-DGV.C. Br. dated 24.9.1975
2. Letter No. 2003/V1/CVC/1/3 dated 24.4.2003
3. Letter No. 19-1/72-DGV.C. Br. dated 7.10.1976
4. Letter No. 79/V-1/INSP/ 1/ 4 dated 5.8.1993
5. Letter No. 79/V-1/INSP/ 1/ 4 dated 15.1.1993
6. Letter No.75/Vig-I/Insp/5/2 dated 21/12/1979
7. Letter Nos.72/V-1/INSP/5/3 dated 29.01.73 & 79/V-1/INSP/1/4 dated 05.08.80
8. Letter No. E(Trg)-77-30/7 dated 16/12/1977 &79/Vig-1/Trg/3 dated 29/11/1979
9. Letter No.77/V-1/INSP/1/2 dated 09.03.1977
10. Letter No.77/V-1/INSP/7/1 dated 24.03.1988
11. Letter No. 2004/V-1/CVC/1/18 dated 10.8.2004 (CVC's letter No. 98/ORD/1 dated 18.12.2003
12. Special Chapter on Vigilance Management on PSE's of the year 1999
13. CVC letter No. 8 (1) (h)/98 (1) dated 18-11-1998
14. CVC letter No. 98/VGL/51 dated 11-8-1999
15. CVC letter No. 98/VGL/51 dated 15-12-1999

**PREVENTIVE CHECKS – CIVIL ENGINEERING**

1. Surprise checks of original ground levels recorded by IOWs/AENs in connection with execution of earthwork in major construction projects. These checks are to be taken up immediately after the levels are recorded by the AENs, but before the commencement of earthwork by the contractors.
2. Quality and quantity checks of running payments for earthwork based on lump sum measurements recorded by the AENs. These checks may be done in those subdivisions where the AENs do not enjoy a good reputation. Payments done for earthwork carried out beyond design profile should also be checked.
- 3 (a). Checks on ballast supplies in regard to quality, quantity and gradation of ballast, particularly those taken along the cess. It is needless to say that such checks should be done immediately after the measurements have been recorded by the AENs in the Measurement Books and before the stacks are disturbed. It should be checked whether instructions regarding non-simultaneous collection and training out of ballast, maintenance of plot registers, stacking of ballast on level ground and height of stacks is being followed or not.
- 3 (b). In so far as ballast collections at the depots/station yards are concerned, the check should cover the quantity measured, quality and gradation of ballast, whether the ballast is being loaded fully in the hoppers/wagons and also whether the hoppers/wagons are completely emptied in the section. In case of wagon measurement, it is to be especially checked whether wagon is being loaded to predetermined level or not.
4. Checks of hidden measurements in respect of bridge works, construction of building etc. should be carried out as far as possible, while the works are in progress and before the foundations are covered.
5. Checks on stores of IOWs particularly on crucial items of building material such as cement, steel, GI Pipes etc. may be done particularly on those stations where information is available that the IOW or AEN or any other officer having a control on that IOW is building his private house. Detailed checks should be preceded by intelligent discreet enquiries.
6. Scrutiny of tender files, particularly those that have been dealt with by officers who do not enjoy a good reputation. Delays in finalization are to be critically examined. It should also be checked whether eligibility criteria have been correctly interpreted or not. In case of tenders for ballast supply, it should be checked whether test reports of ballast samples have been submitted or not, whether in the schedule mention of machine crushed/ hand broken ballast is there or not.

**Annexure-XII/1 (contd.)**

7. Zonal contracts should be especially checked whether all the items provided in the contract are being operated or not. It should also be checked whether separate rates for transportation items with lead more than 10 Km have been obtained or not.
8. Track works being executed through contractors need special checks, especially about quality of output and about misuse of Railway labour by the contractor in connivance with Railway officials. Released materials from the track renewals need to be checked.
9. Quality and quantity checks on the works executed e.g. blanketing works, concreting works, brick works etc. Checks should also be conducted on raw materials being used. It should be checked whether contract conditions in regard to quality aspects are being implemented or not.
10. Quality check on the works executed in concrete sleepers plants.
11. Checks on materials including P. Way fittings being passed by material passing authorities such as AENs, Supervisors and other Inspecting Agencies.
12. Checks on variations in quantities especially positive variation in abnormally high rated (AHR) items and negative variation in abnormally low rated (ALR) items.
13. Checks on test checks conducted and their mention in Measurement Books.
14. Checks on scrap accountal and scrap delivery.
15. Checks on PWI stores in regard to accountal and disposal of new as well as released P. Way material.
16. Checks on BRI stores in regard to accountal and disposal of new as well as released bridge materials.
17. Checks on establishment records of employees especially leave records, service records etc.

## PREVENTIVE CHECKS

### MECHANICAL, ELECTRICAL AND S & T ENGINEERING

#### 1. Train Lighting and C&W Depots

- (a) Whether the deficiencies of Electrical/Mechanical fittings of passenger coaches are correctly noted in the daily diaries with reference to spot physical checks of such deficiencies by the Vigilance. Cases where deficiencies as noted by the TL/C&W staff in their diaries have been inflated and/or where excess materials have been drawn vis-à-vis the actual deficiencies should be adequately highlighted to HODs apart from recommending and watching punitive action against the defaulting staff.
- (b) Whether proper procedures are being followed for disposal of scrap and rolling stock particularly with respect to accountal of excluded fittings and recovery of these fittings from the purchaser.
- (c) Whether proper procedures are being followed for weighment of gas cylinders both Full and Empty to guard against short-deliveries of industrial gases from suppliers and to ensure return of Empty cylinders. Weighment of empty cylinder will indicate the 'Tare' i.e. Empty weight of the cylinder which when subtracted from the 'Gross' i.e. Full weight of the cylinder will give the exact quantity of gas contained in the cylinder.
- (d) Sealing of electrical energy meters, installed for private bodies/ outside agencies at Railway stations and Railway quarters etc. to be checked to prevent leakage of electricity.
- (e) Check proper billing and recovery of electrical energy charges and also recovery of arrears from private bodies/outside agencies and from occupants of Railway quarters etc.
- (f) Checks on establishment records of employees especially leave records, service records etc.
- (g) Whether proper checks are being conducted on quality and quantity of work being carried out by contractors.
- (h) Whether Railway labour and the materials are not being misused / siphoned off for use of contractors.
- (i) Whether proper procedure is being followed for arriving at estimated rates and finalization of tenders.

2. **Workshops & Production Units**

- (a) Abuses of incentive scheme and unauthorised manufacture of articles for personal/commercial purposes.
- (b) Malpractices in the accountal of materials/components drawn from stores, particularly the non-ferrous ones and also on recovery and accountal of non-ferrous borings/chips.
- (c) Misappropriation of non-ferrous materials along with shop floor sweepings by the garbage removal contractors/outside cleaning agencies in collusion with the workshop/RPF staff.
- (d) Proxy punching of gate attendance cards and unauthorised absence of workshop staff during working hours.
- (e) Whether proper procedures are being followed for monitoring of trial/development orders placed by the competent authority.
- (f) Whether proper procedures are being followed for disposal of scrap and rolling stock particularly with respect to accountal of excluded fittings and recovery of these fittings from purchaser.
- (g) Whether proper procedures are being followed for weighment of gas cylinders both full and empty to guard against short deliveries of industrial gases from suppliers and to ensure return of completely empty cylinders. Weighment of empty cylinder will indicate the 'Tare' i.e. Empty weight of the cylinder which when subtracted from the 'Gross' i.e. Full weight of the cylinder will give the exact quantity of gas contained in the cylinder.
- (h) Checks on establishment records of employees especially leave records, service records etc.
- (i) Whether proper procedure is being followed for arriving at estimated rates and finalization of tenders.
- (j) Sealing of electrical energy meters, installed for private bodies/outside agencies at Railway stations and Railway quarters etc. to be checked to prevent leakage of electricity.
- (k) Check proper billing and recovery of electrical energy charges and also recovery of arrears from private bodies/outside agencies and from occupants of Railway quarters etc.

3. **Loco Sheds**

- (a) Accountal of HSD oil and other lubricants. Checks on availability of calibration charts for different types of tank wagons and storage tanks; functioning of flow meters and other fuelling equipment maintained by oil companies monthly and quarterly.
- (b) Checks as to whether joint procedure orders are being followed for the proper accountal of HSD oil and whether correct debits and record keeping is being done; gross checks of entries in trip cards and registers maintained at fuelling installations.
- (c) Checks on adherence to Board's instructions regarding prescribed stock verification at various levels of fuel and lubricants; periodical trials/reviews for fixing/revising trip rations and adequacy of action against drivers/Shunters found guilty of bursting trip rations frequently or misreporting of quantity of fuel recorded in the trip cards.
- (d) Whether proper procedures are being followed for monitoring of trial/development orders placed by competent authority.
- (e) Checks on procedures followed for repair of sub-assemblies/components by local trade.
- (f) Checks on whether materials procured through Stores are conforming to specifications prescribed in the purchase orders and whether attempts are being made for local repair/modifications before acceptance of such materials.
- (g) Checks on frequency and quantity of materials indented through non-stock indents / requisitions placed by the sheds.
- (h) Whether proper procedures are being followed for disposal of scrap and rolling stock particularly with respect to accountal of excluded fittings and recovery of these fittings from the purchaser.
- (i) Whether proper procedures are being followed for weighment of gas cylinders both full and empty to guard against short deliveries of industrial gases from suppliers and to ensure return of completely empty cylinders. Weighment of empty cylinder will indicate the 'Tare' i.e. Empty weight of the cylinder which when subtracted from the 'Gross' i.e. Full weight of the cylinder will give the exact quantity of gas contained in the cylinder.
- (j) Whether proper procedure is being followed for arriving at estimated rates and finalization of tenders.

**Annexure-XII/2 (contd.)**

- (k) Whether materials being received against POs or works contracts are being inspected properly and whether proper action is being taken against firms for supplying substandard materials.
- (l) In case of acceptance of materials with specifications at variance with those in POs, whether approval of competent authority along with cost adjustment, if required, is being made.
- (m) Checks on establishment records of employees especially leave records, service records etc.
- (n) Sealing of electrical energy meters, installed for private bodies/outside agencies at Railway stations and Railway quarters etc. to be checked to prevent leakage of electricity.
- (o) Check proper billing and recovery of electrical energy charges and also recovery of arrears from private bodies/outside agencies and from occupants of Railway quarters etc.

4. **Preventive checks in Divisions and Construction Units for Mechanical, Electrical and S&T works**

- (a) Scrutiny of tender files, particularly those that have been dealt with by officers who do not enjoy a good reputation. Delays in finalization to be critically examined, as also the projection of the demand.
- (b) Checks to be carried out in the area where transformers and other machinery are getting repaired through the contractors.
- (c) Checks should also be exercised in mass rejection of material during execution on the shop floor.
- (d) Quality checks on the works executed as well as supplies (quantity checks) received for Railway electrification works.
- (e) Checks of estimates, particularly regarding the materials shown as to be released from the work and the quantities actually released. It is generally seen that for imported items like cables, the releases in the estimates are given on a very rough basis usually on the higher side and do not correspond to the actuals at site.
- (f) Misuse of Railway labour and materials on the contractual works.
- (g) Checks on the materials inspected and received by consignees for the supplies received from trade including those from Government Undertakings.

**Annexure-XII/2 (contd.)**

- (h) Checks on works executed through the contractors specifically where tender document is incomplete with respect to drawings and specifications.
- (i) Checks of stores of SI, TI & ELF particularly in respect of accountal of materials released and their further disposal. Non-ferrous items like copper, brass, bolts, nuts, cable pieces etc. are regular releases in the S&T branch and it is necessary to find out whether they are properly accounted for or not, sent to the scrap depots or not, whether acknowledgments have been obtained or not? Where copper line wires are being replaced by ACSR conductors, it will be necessary to watch the release and disposal of copper wires in respect of quantities.
- (j) Checks on whether proper procedure is being followed in measurements, passing of bills and whether test checks by officers are being carried out and being indicated in Measurement Books.
- (k) Checks on whether entries in Measurement Books are being made by designated officials or not and whether materials are being passed by competent authorities or not.
- (l) Check whether acceptance letter/contract agreement is being vetted by finance.
- (m) Check whether provisions of 1268E regarding variation in quantity of work during the execution are being followed or not. Check variations in quantities especially positive variation in abnormally high rated (AHR) items and negative variation in abnormally low rated (ALR) items.
- (n) Comparison of rates obtained through works contracts and through Stores contracts.
- (o) Checks on establishment records of employees especially leave records, service records etc.
- (p) Whether proper procedure is being followed for arriving at estimated rates and finalization of tenders.
- (q) Sealing of electrical energy meters, installed for private bodies/outside agencies at Railway stations and Railway quarters etc. to be checked to prevent leakage of electricity.

## **PREVENTIVE CHECKS- TRAFFIC AND COMMERCIAL MATTERS**

**This is not an exhaustive list, but only indicative in nature. The major areas for Preventive Checks can be the following:**

### **1. Assessment Deliveries**

Checks should be aimed at finding out if there are any deviations from extant instructions on the subject, which may lead to malpractices in assessment of damage to goods/parcels. Checks may also be exercised to see if there is frequent incidence of claims at a particular station showing sizable gap between the damage assessed and the damage actually accrued and amount finally paid, on verification/negotiation by the Claims Branch, and if any particular employees in such cases indicate undue consideration to certain parties. It may also be seen whether the assessing authority was physically present during assessment. Whenever there is a sizable gap between the preliminary assessments done by a lower authority and that finalized by the higher authority, reasons thereof must be examined thoroughly.

### **2. Auction Sales**

The objective during the check should be to ascertain whether the prescribed procedure is being followed, due prior notification to public is made, reserve price in cases of articles of value are fixed and to see generally if reasonable amounts are being realized during auctions, keeping in view the nature, quality and quantum of goods. Unconnected wagons lying beyond reasonable time must be paid special attention. Disposal of commodities of such wagons (if they contain valuable articles or some other articles fit for household usage) should be thoroughly examined, in order to check whether they were appropriately disposed off as per rules.

### **3. Issue of exaggerated DD messages leading to payment of fictitious claims**

Checks may be so arranged as to confirm if there is deliberate attempt on the part of any staff to show exaggerated extent of damage in the DD messages. It would be advisable to reweigh and observe the condition of certain damaged packages which may be lying on hand, and compare the results with particulars shown in the DD messages concerned. Proper dispatch of DD message must be ensured. Checks should also be conducted to ascertain whether the DDM register is closed every day as envisaged in para 1732 of IRCM Vol-II, in order to stop its fictitious use which may result in fictitious claims.

### **4. Concealment of Wharfage and Demurrage**

A major area of malpractice is in the sphere of concealment of demurrage and wharfage charges at Goods Sheds, siding and Parcel Offices by manipulating the

placement and release timings of wagons and by not recording the time of unloading of consignments on the platforms and wharfs. Checks may also be done so as to cross check with other documents of the station for verifying the correctness of timings recorded. Checks should also be conducted to ascertain whether there is any delay in making available the inward consignments for delivery.

**5. Irregularities in allotment of wagons**

These checks would include scrutiny of priority register and allotment register to find out whether the commodity to be loaded was placed in the correct priority.

**6. Issuance of Clear RRs**

Checks should be conducted to find out whether 'clear' RRs are being issued even when loading is not supervised by Railway Staff. In such cases, there may be short loading by the consignor and short certificate will be issued by the Railway Staff which will result in claims.

**7. Mis-declaration of Consignments**

Contents of the consignment should be checked to find out if the consignee is misdeclaring the contents of the consignment for getting lower class rate or for booking the consignments in violation of any restriction or ban e.g salt for human consumption and salt for industrial use, bran, husk etc.

**8. Placement of Wagons**

The objective of this check is to ascertain whether rakes are placed on spurs at the station immediately on their arrival or otherwise. If there is any delay, it should be ascertained whether this delay is on account of reasonable operational reasons or otherwise.

Line capacities for placement must be cross checked with the actual placements. Placement on open platforms, leaving covered sheds unutilized during a season other than the Monsoon season must be checked, to find out whether the practice was to save higher wharfage charges of a particular customer/ group of customers, or it was for some reasonable operational problems.

**9. Overloading in wagons**

Checks should be conducted to ascertain whether rakes are being weighed at weighbridges and result thereof is advised to the destination or otherwise. Realisation of undercharges (raised after the weighment) should be confirmed.

**10. Delivery Book**

- (i) Checks should be conducted to ascertain whether 'short certificate' has been issued even when the consignee/ authorized agent took delivery under clear signature.
- (ii) It should also be checked whether consignments have been delivered on Indemnity Notes even when the original Railway Receipt was lying with the Bank.

**11. Delivery on G.I.Bonds**

Checks may be conducted to see whether consignments are being delivered in the absence of P.W.Bills on the strength of G.I.Bonds, but the original P.W.Bills are not being collected within 10 days from the date of delivery. Cases in which Original P.W. Bills are not collected must be cross checked with the Missing Goods Report certificates, issued by the station.

**12. Ticket Checking**

- (i) Frequent checks should be conducted in the trains to see that unscrupulous ticket checking staff are not carrying unauthorized passengers on empty berths, against roadside quota or 'Not Turned Up' passengers. It should particularly be checked whether 'Not Turned Up' passengers are marked as such in the chart.
- (ii) Travelling authority of passengers must be checked minutely to find out whether such authority is valid. Reservations done against pre-bought tickets should be specifically checked.
- (iii) Special checks should be organized to detect whether unsocial elements block seats / berths in general compartments by spreading towels / sheets and hand these over to passengers on receipt of illegal money. In some cases, discreet observations may be made to find out the identity of staff with whose connivance these malpractices may be taking place. If necessary, the assistance of police may be sought with a view to eliminate such organized malpractices.

**13. Self Printing Ticket Machines/ Unreserved Ticket System**

- (i) In case of SPTM/UTS, the non-issued and cancelled tickets should be physically tallied with the statement being printed daily to take care of fraudulent refund.
- (ii) Random collection of tickets issued from SPTM/UTS should be done enroute and at the destination. Verification may be done to find out whether these tickets were issued from the terminal marked on them, and whether the fare,

distance etc. are correct. Accountal of these tickets at the terminal should be checked. Defacing, stamping and alteration made on the tickets should be paid special attention in the check.

- (iii) Random number printed on SPTM tickets collected at the destination station should be checked, since a unique random number is generated for each destination on a particular date. SPTM printed number on the tickets should be tallied with the preprinted numbers appearing on the stock to find out any mis-matched ticket. Particulars of mis-matched tickets should be cross checked with details available in the hard copy.
- (iv) Checks may be conducted on the working of the 'thin client' system.
- (v) Checks should be conducted to scrutinize disposal of lost ticket rolls. It may specifically be checked whether rolls shown as lost are being used by the staff at the terminals.

## **15. Reservation Offices**

- (i) Checks may be aimed at detection of any existing malpractices in allotment of berths/seats generally and it may especially be seen if 'Regret Slips' as provided for are being issued, and if there is any indication of staff involvement in unauthorized blocking of seats/berths and consequent transfer of tickets
- (ii) Checks should be aimed to stop entry of touts. In case of pre-bought tickets, the proper travel authority should be ensured. In case of party booking and change of names, checks should be conducted to ensure that permission of the competent authority has been taken. Print out of change of name in case of computer reservation should be scrutinized. In case of special cancellation, it should be probed whether the permission of competent authority has been taken and test check may be done regarding the situation leading to special cancellation. Checks may be done on the lockers/cabinets of the staff to detect irregular availability of requisition forms and tickets.
- (iii) The requisition slips of the counter that have been dealt with, should be checked whether these are filled up properly, dealt sequentially, these have proper stamp and I/C No. of the RTSA agents etc. It is also to be checked whether reservation staff is indulging in touting activities. This can be verified by checking these requisition slips one by one – a check-point can be to see if several forms are filled up in the same handwriting.
- (iv) Requisition slips pertaining to 'Tatkal' reservations should be checked to find out whether more than one requisition slip of the same person has been dealt with.

**16. Rail Travel Service Agents (RTSAs)**

The staff of RTSA should be checked properly that they should carry their Identity card. The requisition slips should be properly stamped and should have I/C number of the employee who tender the requisition slip. The requisition slips of RTSA should be verified from the record of the said RTSA and proper entry should be available in their register. It should also be checked whether RTSA is involved in unauthorized business and violating the contract. The process of allotment of RTSAs should also be scrutinized.

**17. Departmental Catering**

- (i) Checks may be done on the (1) issues and accountal of store materials (2) purchase of consumable items from the local market (3) conformance of the quality and quantity of food stuff being supplied with extant provisions.
- (ii) Checks should try to find out whether private sales are being carried out through commission vendors and other departmental units in a manner in which the Railway is denied its due share of profits.
- (iii) Checks should be done to examine whether items being supplied are as per the contract or the laid-down schedule. The quantity, quality, trade mark of the supply being done should be checked vis-à-vis the scheduled orders.

**18. SLR leasing**

- (i) Frequent checks should be conducted to find out whether SLR is loaded beyond 4 tonnes per compartment of SLR or its marked carrying capacity.
- (ii) Checks should be conducted to find out whether day to day leasing is being resorted to rather than long term leasing for longer than the stipulated period. It should be also checked whether any effort has been made to give the SLRs on long term leasing or not.
- (iii) It should be checked if penal clauses are being invoked for cases of non-loading by the party.
- (iv) It should be checked whether leasing has been resorted to from any intermediate station without obtaining 'No-objection certificate' from the originating point.

**19. Contracts**

- (i) Check should be conducted to ensure that all earning/service contracts pertaining to commercial matters are processed and finalized without any delay and in a transparent manner. It should specifically be checked whether such

delay is deliberate and beneficial to the existing contractor. Intentional delays facilitating running of contracts at lower rates should be thoroughly examined.

- (ii) It should be ensured that tender conditions were appropriately framed and conveyed to the bidders in the Notice Inviting Tender. Any deviation from the published terms and conditions must be examined in detail. In cases where the scope of the work has been changed, it may be checked that every bidder has been given equal opportunity. It should also be checked that terms and conditions of a limited tender are not framed to favour a specific party.
- (iii) Checks should be conducted to find out if allotment of contracts is as per extant provisions.
- (iv) It should also be checked whether the tender has been discharged on flimsy ground to favour the existing contractor.

**20. Round trip VP leasing**

It should be checked whether freight is collected at both the originating and destination station. It should also be checked if empty VPU/VPDs are being supplied for loading, as per the contract. Action taken on the party's failures to load the VPU/VPD in either/both directions should be scrutinized in this check. It should be especially checked if penal clauses relating to non-loading by the party are being enforced.

**21. Leasing/Licensing of Commercial plots**

It should be checked if commercial plots are leased/licensed as per extant instruction. It may also be checked that the grounds for renewal of licensing are in order, and are under orders of the competent authority.

**22. STD/ISD/PCO Booths**

Checks should be conducted at STD/ISD/PCO booths to ascertain whether the contractor is overcharging the passengers and using more than the permitted number of connections. It should also be checked whether rates and opening hours have been displayed or not.

**23. Miscellaneous**

It should be also checked whether non- implementation of new instructions is causing loss to Railway Revenue.

**PREVENTIVE CHECKS - STORES MATTERS**

1. Checks on purchase of stores as to proper assessment of quantity, mode of tendering, selection of firms, verification of antecedents of firms, examination of offers etc. Updating web-site with details of contracts concluded.
- 1.1 Checks on proper procedure of issue of tenders including bulletin tenders, availability of tenders on web-site, tender opening etc., maintenance of list of registered suppliers. Checks on records/ procedure in Sample section.
2. Checks on the Receipt and Inspection of Stores, for proper quantitative and qualitative inspection both in the Stores Depots and at consumer ends in respect of direct dispatch orders.
3. Checks on the local purchase both by the stores depots and the consuming departments as to the genuineness of the sources of purchase and reasonableness of prices etc.
4. Checks on the stores held in stock both by the Stores Depots and by the imprest holders/ consumers as to pilferages, misappropriation etc., pairing of issue notes, maintenance of proper accountal and checking pending stock sheets.
5. Checks on distribution of imprest stores in respect of correct indenting and delivery of stores.
6. Receipt and accountal of returned stores/ scrap, particularly costly non-ferrous materials to avoid leakage or misappropriation.
- 6.1 Checks on the disposal of scrap/ condemned rolling stock in regard to lot formation, identification, definition, quantification, condemnation certificates, survey sheets, list of excluded components, adequacy of publicity, reserve prices, proper delivery and supervision by stores, Accounts, and R.P.F., weighment etc. with a view to prevent sales at unreasonably low prices, pick and choose, material substitution, unauthorized delivery, refunds of sale value due to non-availability of material etc.
7. Checks on the indenting and supply of printed card tickets and SPTM/ Computer tickets by ticket printing presses with a view to prevent leakage of blank tickets, printing of tickets by unauthorized sources, duplicate/ triplicate tickets, leakage of tickets in transit etc.
- 7.1 Check in the General Printing Presses with a view to prevent leakage of stationery and forms, money value documents, unjustified off-loading of work to trade etc.

**Annxure -XII/4 (contd.)**

8. Checks on the issue of raw materials to shops/ firms against work/ fabrication orders vis-à-vis the finished goods/ parts returned after manufacture including the wastage parameters etc. with a view to prevent leakage and misappropriation of such raw materials or materials loaned to firms.

**PREVENTIVE CHECKS - RPF**

- (i) Checking of General Diary of the post.
- (ii) Cross checking of cases of compensation claim on account of pilferage/thefts with RPF records to ensure that proper D.D. reports are sent to them by the concerned commercial staff in cases and the same are brought on record and followed up for registration of cases and investigation to prevent malpractices in payment of claims in collusion with the commercial/RPF staff.
- (iii) Checking of defective seal wagon checking register and seal checking memo book to check cases of interpolation/tampering and other irregularities.
- (iv) Checking cases against suspect railway employees which should have been referred for departmental action or which had been referred to the department concerned but no proper action has actually been taken.
- (v) Preventive checks of records of movement and fuel consumption of vehicles owned by RPF/RPSF and deployment of manpower.

## PREVENTIVE CHECKS - PERSONNEL DEPARTMENT

### Selection and Promotions

All facets of selections/promotions as laid down in Codes/Manuals and extant instructions.

### Recruitment

1. Checks on recruitment of class-IV staff in particular appointment of substitutes and staff on compassionate grounds, maintenance of CL Registers, Service Cards, screening of muster rolls.
2. Not offering employment in the order of merit from the list of duly empanelled candidates.
3. Failure to observe instructions regarding medical examination and verification of antecedents.
4. Passing over an empanelled candidate on flimsy grounds.

### Pay, Travelling Allowance & Overtime etc.

1. Deliberate failure to deduct income-tax from pay bills though clearly due, in some cases only while recoveries may be made for others.
2. Recoveries of advances or deductions deliberately not made or postponed only for the favoured employees.
3. Drawals of house rent allowance even for employees in occupation of Railway/Government quarters/Rest houses/inspection carriage. In such cases it will be found that there would be lack of co-ordination between the section drawing the bill and the section allotting quarters. Further, there would be a failure to obtain prescribed certificates from employees concerned.
4. A cross check with diaries of the staff concerned may reveal irregularities in the T.A. claims.
5. Excessive booking of staff for overtime without the supervisor exercising proper checks or bringing to the notice of officer in charge.
6. In workshops drawing incentive bonus on days on which overtime also has been claimed for one and the same employee.

**Passes & PTOs**

1. Drawals of passes by false declaration of ages of family members/dependent relatives. A crosscheck with family particulars given for other purposes like PF/Pension nomination forms may prove useful.
2. Drawal of passes for non-existent family members, dependent relatives. A crosscheck with declaration made for income tax purpose may reveal irregularities of this type.
3. Issuing Passes/PTOs out of turn showing favouritism to some while applications for other might be unduly delayed.
4. Drawals of passes for ineligible members like employed or overaged sons or married daughters.

**Advances**

1. False declaration of purposes for which advances is required.
2. Deliberate failure by dealing staff to obtain certificate of proper utilisation of the advance.
3. Payment of advance to wrong parties, particularly in the case of illiterate Class IV staff.
4. Payment of instalments of House Building Advance against fraudulent certificates of utilisation progress.

**Service Records**

1. Connivance of staff concerned who deliberately do not enter penalties, suspension etc. in the relevant columns of the service sheet.
2. Deliberately ignoring orders of penalty withholding increments.
3. Leave account of staff should be checked.
4. Review of Service Records with particular reference to the manipulation of entries in the first page, missing photos.

**PREVENTIVE CHECKS - ACCOUNTS DEPARTMENT**

1. Whether there is delay in passing of bills, such as Stores Bills, Engineering Bills, S.S. Bills, OT Bills etc.
2. Whether necessary checks are carried out on the bills received from different departments.
3. Whether any preference is given in passing bills of any particular contractor or supplier.
4. Whether necessary checks are carried out while passing pay sheets.
5. Whether necessary checks are being exercised in passing TA bills, overtime bills, running allowance, night duty allowance bills etc.
6. Whether recoveries are affected promptly, regularly and correctly in cases of advances, such as provident fund advance, cycle advance, fan advance, motor car advance, house building advance, festival advance etc (so far as accounts staff are concerned).
7. Whether there is any delay in passing personnel bills, such as PF advance, settlement dues etc.
8. Whether payments to staff in relation to advances and withdrawals and retirement benefits are properly witnessed so as to ensure that fraudulent payments against fictitious applications are not made.
9. Whether while passing supplementary bills due to arrears of pay, proper remarks are being recorded on the original bills to prevent the bills being passed more than once.
10. Surprise checks of cash in hand with Cashiers and Pay Clerks, Booking/Goods Clerks, Booking/Goods Clerks and other station staff etc. to ensure that the same is correct as per records.
11. Whether proper checks are carried out on all station returns received in the office and debits raised timely where necessary.
12. Whether the opening balance in the PF ledgers at the commencement of the year is properly checked and attested by SO (Accounts) and countersigned by Accounts Officer.

**PREVENTIVE CHECKS - MEDICAL DEPARTMENT**

1. Checks of ground stock of costly drugs and cross check with entries in the costly drug register and check on issue/disposal of expiry date medicines.
2. Check on the spurious drugs-whether such checks being carried out by hospital authorities-follow up action for substandard quality drugs.
3. Check on the ground stock of important items pertaining to the linen store and procedure for condemnation and disposal of condemned items.
4. Checks in respect of local purchases with particular reference to need thereof, following of proper procedure as given in Pharmacopia and other manuals, purchase within the power of the respective officers, checking of the tenders if such procedure has been adopted.
5. Check on ground stock kitchen stores-proper procedure for condemnation and disposal of wastages etc.
6. Check on the supply of diet for in-patients-recovery of diet charges as per procedure.
7. Checking of the report pertaining to the various medical examination of candidates and patients, issue of certificates, observance of the laid down procedures regarding marking of attendance etc. with particular emphasis on:-
  - (a) Proper maintenance and custody of sick/fit certificate books, issue of certificate books, issue of certificates in chronological orders with proper dating and without leaving blank certificates in the book.
  - (b) Mention of temporary unfitness.
  - (c) Corresponding entries in the Out Patient Department.
  - (d) Check of cases of discharge for non-attendance of the patients and prompt intimation in that regard to Department concerned.
  - (e) Checking of entries in the Sick Attendance Register and proper marking of attendance as per rule.
8. Procurement of high cost medical equipments-procedure for procurements- their usefulness- maintenance of records for their usage.

**Annexure -XII/8 (contd.)**

9. Check on the treatment of outsiders in the hospital and maintenance of records there of, checking about sanctions for such treatments, recovery of necessary advance and timely payments and receipt as well as the adjustments of doctor's share in connection with such cases.
  
10. Checking from the doctors as to whether they are maintaining the Visit Diaries/Books prescribed in respect of the fees obtained by them for treatment of families of railway-men at their residences.