



## EAST COAST RAILWAY

मुख्य कार्मिक अधिकारी का कार्यालय/  
Office of the Principal Chief Personnel Officer  
Rail Sadan, IInd Floor, Bhubaneswar-751 017.

स्थापना क्रमांक/ Estt. Srl. No. 138/2017  
पूतरे/कार्मिक/आर/ECOR/Pers/R/DA&C

RBE NO-133/2017  
Date: 05.10.2017

सेवा में, सभी प्रमुख विभागाध्यक्षों/समन्वयक विभागाध्यक्षों, पू त रे/भुवनेश्वर  
मं.रे.प्र/व.मं.का.अधिकारी/मं.का.अधिकारी-खोरधारोड,वालातेरू, संबलपुर,  
मु;कारखाना प्रबंधक/कारखाना कार्मिक अधिकारी- मंचेश्वर, अतिरिक्त रजिस्ट्रार/रेल दावा अधिकरण,  
महा सचिव/इकोर श्र. कां., महा सचिव/इकोर श्र. यू.,  
महा सचिव/एआई ओ बी सी आर ई ए, महा सचिव/ ए आई एस सी एस टी आर ई ए

विषय /Sub: Rule 14(ii) of Railway Servants (D&A) Rules, 1968- Following  
of proper procedure regarding.

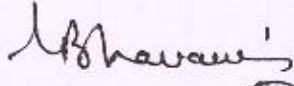
पूतरे के विषय क्रमांक/ECOR's Subject Serial No-DAC-01 /2017

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उपर्युक्त विषय पर बोर्ड पत्र सं E(D&A)2017 RG6-21 दिनांक 18.09.2017  
की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अग्रेषित है।

A copy of the Board's Letter No- E(D&A)2017 RG6-21 dated -  
18.09.2017 on the above quoted subject is forwarded herewith for information, guidance  
and necessary action.

Encl: As above,

  
(M.Ganga Bhawani)  
DY.Chief Personnel Officer(IR)  
For Principal Chief Personnel Officer

प्रतिलिपि प्रेषित/Copy to :

- 1) महाप्रबंधक के सचिव/पूर्व तट रेलवे, भुवनेश्वर
- 2) मुकाधि/मुकाधि(प्रशा.), उप म.प्र, अध्यक्ष(रेलवे भर्ती प्रकोष्ठ)
- 3) उप मुख्य प्रबंधक(सू.प्रौ), उप मुकाधि(औ.सं.एवं कल्याण), वकाधि(इंजी.)
- 4) वकाधि(मुख्या.), वकाधि(स्टाफ), वकाधि(राज. एवं न्याया.)
- 5) मुकाधि के निजी सचिव/सहा.कार्मिक अधि.(मुख्या.-1),सहा.कार्मिक अधि.(कल्याण),  
सहा.कार्मिक अधि.(बिल), सहा.कार्मिक अधि.(भर्ती)



1412  
25/9/17

RBE No. 133/2017 C.A./D&A(MS)

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

Handwritten notes and signatures including "25/9/17", "25/9/17", and "25/9/17".

No. E(D&A) 2017 RG6-21

New Delhi, 18.09.2017

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

E. CARLY

Bhuvaneshwar

Sub: Rule 14(ii) of Railway Servants (D&A) Rules, 1968  
Following of proper procedure regarding

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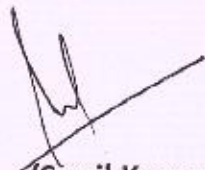
Rule 14(ii) of the Railway Servants (Discipline and Appeal) Rules, 1968, which emanates from the provisions contained in clause (b) of the second proviso to Article 311 (2) of the Constitution of India, lays down special procedure for imposition of penalties in situations where the disciplinary authority is satisfied, for reasons to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules.

2. The scope and ambit of the special procedure under the aforesaid Rule 14(ii) and the protections embodied therein for the Railway servants have been explained in Circulars issued by this Ministry from time to time. It is to be noted that (i) the conditions precedent to application of the aforesaid special procedure, (ii) the action taken thereunder being subject to judicial review and (iii) permissibility of the claim by the penalized person for holding of inquiry at the stage of appeal, revision etc, have been explained in paragraphs 6, 7 and 8 respectively of Department of Personnel & Training OM No. 11012/11/85-Estt(A) dated 11.11.1985 as circulated vide this Ministry's letter No. E(D&A) 85 RG6-72 dated 06.02.1986. A Note regarding some of the important points to be borne in mind while taking action under the aforesaid Rule 14(ii) and specimens of speaking order and notice imposing penalty thereunder were also circulated vide this Ministry's letter no. E(D&A) 85 RG6-72 dated 06.10.1988. Further thereto, the requirement that the reasons recorded by the Disciplinary Authority for dispensing with the inquiry should be supported by objective facts and/or independent material, was emphasized vide this Ministry's letter no. E(D&A) 92 RG6-48 dated 06.04.1992.

3. Notwithstanding above, instances of non-adherence to the aforesaid instructions/clarifications have been brought to notice of this Ministry.

4. In view of above, the afore-mentioned instructions/clarifications are emphatically reiterated. All Zonal Railways/Production Units etc. are directed to bring it to the notice of the disciplinary/appellate/revisionary authorities that, whenever it is proposed to invoke action under the aforesaid Rule 14(ii), it is imperative that all the instructions mentioned above in this regard are followed scrupulously so as to ensure that the action is not found wanting in compliance of:

- (i) the mandate under the clause (b) of the second proviso to the Article 311 (2) of the Constitution of India,
  - (ii) of the provisions contained in the aforesaid Rule 14 (ii), and
  - (iii) of the related subsidiary instructions/clarifications.
5. Hindi version will follow. Please acknowledge receipt.

  
(Sunil Kumar)  
Director Estt. (W&D&A)  
Railway Board