

Eastern Railway

No. E 308/0/Vol. XX

Kolkata dated 9<sup>th</sup> October 2015

All Concerned

Sub: Imposition of penalties of dismissal, removal or compulsory retirement - Determination of appointing authority.

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The following copy of Railway Board's letter No. E(D&A) 2012 RG 6-34 dated 30.09.2015 (RBE No. 119/2015) is attached herewith for information, guidance and strict adherence.

Board's earlier letter dated 25.11.2002 mentioned therein was circulated under this office serial No. 175(12)/2002.

The Serial Circular under circulation is also available on Eastern Railway's official website viz. URL No. <http://www.er.indianrailways.gov.in> under **About us → Department → Personnel → CODEs, MANUALs, CPO's Serial Circulars → CPO's SERIAL CIRCULARS.**

INDEX No. 1033: Penalties of dismissal, removal or compulsory retirement should be imposed only by the authority who appointed the railway employee to that grade/post or the authority who is empowered as appointing authority, whoever is higher.

DA: As above.



(K.K. Murmu)

Asstt. Personnel Officer/R & Bills  
for Chief Personnel Officer

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

No. E(D&A) 2012 RG6-34

New Delhi, 30.09.2015

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

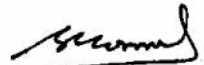
Sub: Imposition of penalties of dismissal, removal or compulsory retirement - Determination of appointing authority

Attention is invited to Railway Board's letter no. E(D&A) 2002 RG6-36 dated 25.11.2002 on the above subject relating to determination of appointing authority for the purpose of imposition of the penalties of dismissal, removal or compulsory retirement on a Railway servant.

2. It was clarified in the above referred instructions that the intention of Rule 2(1)(a) of RS(D&A) Rules, 1968 is that the penalties of dismissal, removal or compulsory retirement from service should be imposed on a Railway servant only by the highest of the following authorities viz. the authority which actually appointed the railway servant to the relevant grade or post, or the authority which is empowered to make appointment to that grade or post at the time of imposition of penalty. It was further emphasized that the penalty of dismissal, removal or compulsory retirement from service should not be imposed by an authority which has merely issued the offer of appointment or order of promotion with regard to the appointment or promotion ordered by a competent authority higher to that authority.

3. In a PNM meeting with the NFIR, the Federation has stated that inspite of the above mentioned instructions, in some instances, the penalties of dismissal, removal or compulsory retirement were imposed on a Railway servant by an authority lower than the authority which had actually ordered the appointment/promotion of the Railway servant. It is therefore reiterated that a lower authority who has merely issued/signed the order regarding appointment/promotion which has been ordered by a higher authority, is not competent to impose the penalty or dismissal, removal or compulsory retirement from service on such Railway servant. Such action is not only violative of the RS(D&A) Rules but also unlikely to withstand judicial scrutiny. Railways may therefore impress upon all concerned to adhere to the provisions of Railway Board's letter no. E(D&A) 2002 RG6-36 dated 25.11.2002, as brought out in para 2 above.

4. Hindi version will follow. Please acknowledge receipt.



**(S. Modi)**  
**Dy. Director Estt. (D&A)**  
**Railway Board**