

Serial No. 38/2012

Eastern Railway

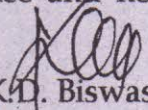
No. E 308/0/Vol. XX

Kolkata dated 28/03/2012

All Concerned

Sub: Action on inquiry report - communicating tentative reasons for disagreement with the findings of the Inquiry Officer etc.

The following copy of Railway Board's letter No. E(D&A) 2012 RG 6-5 dated 20.03.2012 (RBE No. 36/2012) is appended for information, guidance and necessary action.


(K.D. Biswas) 28/3/12

for Chief Personnel Officer

Copy of Railway Board's letter No. E(D&A) 2012 RG 6-5 dated 20.03.2012 (RBE No. 36/2012) addressed to General Managers, All Indian Railways and others.

Sub: Action on inquiry report - communicating tentative reasons for disagreement with the findings of the Inquiry Officer etc.

A copy of Department of Personnel and Training's O.M. No. 11012/12/2010/Estt.A dated 12.11.2010 in the above mentioned matter is enclosed. Please bring the contents of the enclosed O.M. to the notice of all concerned on your Railway/Units for their information and strict compliance. The provisions corresponding to Rule 15(2) of CCS(CCA) Rules, 1965 mentioned therein are contained in rule 10(2) of Railway Servants (Discipline And Appeal) Rules, 1968.

Copy of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training)'s Office Memorandum F. No. 11012/12/2010-Estt. (A) dated 12.11.2010 addressed to All Ministries/Departments of the Government of India.

Sub: Communicating tentative reasons for disagreement under rule 15(2) of the CCS(CCA) Rules, 1965.

The undersigned is directed to say that rule 15(2) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 states that 'The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of Inquiry Authority on any article of charge to the Government Servant who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favourable or not, to the Government Servant.

Contd...2/-

2. The necessity of following the aforementioned rule 15(2) both in letter and spirit is reiterated. The communication forwarding the IO's report alongwith the tentative reasons for disagreement, if any, seeking comments/representation of the Charged officer should reflect this position. All Ministries/Departments are, therefore, requested to ensure that the communication forwarding the IO's report etc. does not contain phrases such as 'Article of charge is fully proved' or 'Article of charge is fully substantiated' which could be construed to mean that the disciplinary authority is biased even before considering the representation of the charged officer and this would be against the letter and spirit of the CCS(CCA) Rules, 1965.

3. Ministry of Finance etc. may bring the contents of the above OM to the notice of all concerned.

Index No.1033:- While forwarding IO's report, DA's tentative disagreement with the same should be communicated and to CO and should not contain phrases like 'Article of charge is fully proved' or 'Article of charge is fully substantiated' which could mean that DA is biased even before considering representation of CO.
