

Serial No. 168/2015

Eastern Railway

No. E 308/0/Vol. XX

Kolkata dated 16.11.2015

All Concerned

Sub: Instructions regarding timely issue of chargesheet under RS (D&A) Rules, 1968.

The following copy of Railway Board's letter No. E(D&A) 2014 RG 6-35 dated 21.10.2015 (RBE No. 130/2015) alongwith enclosure viz. DoPT's O.M. F. No. 11012/17/2013-Estt.(A) dated 03.07.2015 is attached herewith for information, guidance and strict adherence.

Hindi version of Railway Board's letter No. E(D&A) 2014 RG 6-35 dated 21.10.2015 (RBE No. 130/2015) is attached.

This Serial Circular 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: Timely issue of charge sheet following suspension has been impressed upon. The charged official should be communicated the reasons for suspension at the earliest to exercise the right to appeal against the suspension order under Rule 18(i) of RS (D&A) Rules, 1968 within 45 days from the date of communication of reasons for suspension.

DA: As above.


(K.K. Murnu)

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

RBE No. 130/2015

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

No. E(D&A) 2014 RG6-35

New Delhi, 21/10/2015

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

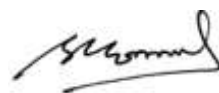
**Sub: Instructions regarding timely issue of chargesheet under
RS(D&A) Rules, 1968**

A copy of Department of Personnel and Training's O.M. No. 11012/17/2013-Estt.(A) dated 03.07.2015, on the above subject is enclosed herewith for guidance.

2. Department of Personnel and Training's O.M.s dated 02.01.2014 & 09.11.1982, referred to in paras 1 and 3 respectively of their above-mentioned O.M. dated 03.07.2015, are available at their website 'persmin.nic.in/DOPT.asp' under 'OMs & Orders' - 'Establishment' - 'CCS(CCA) Rules'. Rule 18(i) of RS(D&A) Rules, 1968 corresponds to Rule 23(i) of CCS(CCA) Rules 1965, referred to in para 3 of DoP&T's O.M. dated 03.07.2015.

3. Please acknowledge receipt.

DA: As above



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

भारत सरकार
रेल मंत्रालय
(रेलवे बोर्ड)

सं. ई(डी एण्ड ए) 2014 आरजी6-35

नई दिल्ली, दिनांक 21.10.2015

महाप्रबंधक (कार्मिक)
सभी भारतीय रेलें और
उत्पादन इकाइयां आदि
(मानक सूची के अनुसार).

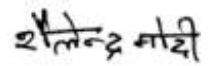
विषय : रेल सेवक (अनुशासन & अपील) नियम, 1968 के अंतर्गत आरोप पत्र समय पर जारी करने सम्बंधित निर्देश

उपरोक्त विषय पर कार्मिक एवं प्रशिक्षण विभाग द्वारा जारी दिनांक 03.07.2015 के कार्यालय ज्ञापन सं 11012/17/2013 – स्था.(ए) की प्रति दिशानिर्देश हेतु संलग्न है.

2. कार्मिक एवं प्रशिक्षण विभाग के दिनांक 03.07.2015 के उपरोक्त कार्यालय ज्ञापन के पैरा 1 व 3 में संदर्भित, उनके दिनांक 02.01.2014 और 09.11.1982 के कार्यालय ज्ञापन उनकी वेबसाइट 'persmin.nic.in/DOPT.asp' पर OMs & Orders – Establishment – CCS(CCA) Rules में उपलब्ध हैं. रेल सेवक (अनु. एवं अपील) नियम, 1968 के नियम 18(i), उक्त कार्यालय ज्ञापन के पैरा 3 में संदर्भित CCS(CCA) Rules, 1965 का नियम 23(i) के समरूप है.

3. कृपया पावती दें।

संलग्नक: यथोक्त



(एस. मोदी)

उप निदेशक स्था. (डी एण्ड ए)

रेलवे बोर्ड

F. No. 11012/17/2013-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment A-III Desk

North Block, New Delhi – 110001
Dated July 3rd, 2015

OFFICE MEMORANDUM

Subject: Central Civil Services (Classification, Control and Appeal) Rules, 1965 -- instructions regarding timely issue of Charge-sheet -- regarding.

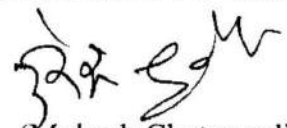
The undersigned is directed to refer to DoP&T O.M. of even no. dated 2nd January, 2014 regarding consolidated instructions on suspension and to say that in a recent case, *Ajay Kumar Choudhary vs Union of India Civil Appeal No. 1912 of 2015 dated 16/02/2015* the Apex Court has directed as follows:

We, therefore, direct that the currency of Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/ Chargesheet is not served on the delinquent officer/ employee;

2. It is noted that in many cases charge sheets are not issued despite clear prima facie evidence of misconduct on the ground that the matter is under investigation by an investigating agency like Central Bureau of Investigation etc. In the aforesaid judgement the Hon'ble Supreme Court has superseded the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance.

3. In this connection, attention is invited to this Department O.M. No. 35014/1/81-Estt.A dated 9.11.1982 which contained the guidelines for timely issue of charge-sheet to Charged officer and to say that these instructions lay down, inter-alia, that where a Government servant is placed under suspension on the ground of "Contemplated" disciplinary proceedings, the existing instructions provide that every effort would be made to finalise the charges, against the Government servant within three months of the date of suspension. If these instructions are strictly adhered to, a Government servant who is placed under suspension on the ground of contemplated disciplinary proceedings will become aware of the reasons for his suspension without much loss of time. The reasons for suspension should be communicated to the Government servant concerned at the earliest, so that he may be in a position to effectively exercise the right of appeal available to him under Rule 23 (i) of the CCS (CCA) Rules, 1965, if he so desires. The time-limit of forty five days for submission of appeal should be counted from the date on which the reasons for suspension are communicated.

4. All Ministries/ Departments are requested to bring the above guidelines to the notice of all concerned officials for compliance.


(Mukesh Chaturvedi)
Director (E)

To

The Secretaries of all Ministries/ Departments