

EASTERN RAILWAY

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ALL CONCERNED

Sub: Check List for processing Disciplinary cases up to Revisionary stage under RS (D&A) Rules, 1968.

It has been noticed that in many disciplinary cases, authorities at different stages (Appeal & Revision) at Headquarters office face difficulty to pass orders due to paucity of relevant information and/or incomplete documents in the concerned disciplinary case file. Resultantly, the cases have to be referred back to the concerned authorities at Divisions/Units for resubmission to Headquarters office after necessary compliance. In the process, cases get unnecessarily delayed.

With a view to streamline and expedite processing of disciplinary cases, it is of utmost importance that all the relevant information with complete legible documents are made available in the disciplinary case file.

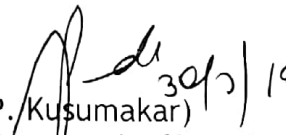
In order to ensure the above, it has been decided that disciplinary cases starting from disciplinary stage up to the stage of Revision should be processed by filling up the Check List enclosed herewith. It is advised that the 10-point guidelines detailed under **NOTES** enclosed as **ANNEXURE** with Check List may please be gone through carefully.

In addition to the existing instructions that disciplinary cases should be processed in consultation with the Personnel Deptt., it is impressed upon that all such cases which require authorities at Headquarters to pass orders in the capacity of Appellate or Revisionary Authority should be forwarded through respective Personnel Department/Establishment Offices of Divisions/Workshops/Units to Appeal Section of this office along with the filled-in Check List duly signed by the respective Personnel Deptt. officers/Establishment officers with the approval of Sr.DPOs/WPOs/Establishment heads, as the case may be.

This issues with the approval of the PCPO.

This circular is available on URL No. <http://www.er.indianrailways.gov.in> under About us → Department → Personnel → CODEs MANUALs & CPO's Serial Circulars → Other Important Letters.

DA: Check List (5 Sheets).


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Dy. Chief Personnel Officer/HQ
for Principal Chief Personnel Officer

Check List for processing Disciplinary cases up to Revisionary stage under RS (D&A) Rules, 1968.
Following data backed by copies of supporting documents should be provided in the case file.

Sl.	Items	Data/Dates with Page nos. of the file and Remarks
A. General Information		
1.	(a) Full name of the Charged Official (Photocopy of SR).	
	(b) Date of Birth. (Photocopy of SR)	
	(c) Date of first appointment. (Photocopy of SR)	
	(d) Post/Designation of first appointment. (Photocopy of SR)	
	(e) Department of first appointment. (Photocopy of SR)	
	(f) Basic Pay & Scale of Pay/Grade Pay/Level of Pay of first appointment. (Photocopy of SR)	
2.	(a) Current designation with department & office. (Photocopy of SR)	
	(b) Date of appointment to the current post. (Photocopy of SR)	
	(c) Basic Pay & Scale of Pay/Grade Pay/Level of Pay in the current post. (Photocopy of SR)	
	(d) Appointing Authority w.r.t. to the above post. (Photocopy of SR).	
	(e) Next lower post with Pay Scale/Pay Band with GP/Level. (Photocopy of SR)	
3.	(a) Copies of sheets of SR containing increments and promotions.	
	(b) Date and stage of next increment.	
4.	(a) Date of Superannuation under age limit.	
	(b) Whether the CO is still in service.	(Yes/No)
	(c) If retired, mode of Retirement (Tick the correct option with date)	Superannuation:
		Voluntary:
		Compulsory:
	(d) Amount of Pension: Provisional or otherwise.	
(e) Gratuity: Withheld or released.		
B. Disciplinary stage		
1.	(a) Complaint/Fact Finding inquiry Report/Primary Investigation Report against the CO, /Joint note in case of violation of safety rules. (Please tick)	
2.	(a) Draft charges from Vig. (1 st stage advice of CVC/Vig), if any	(Major/Minor)
	(b) Vigilance Investigation Report/CBI Report, if any	

Contd...2/-.

3.	(a)	Suspension Order (SF-1), if suspended. (Rule 5 of D&A Rules)	
	(b)	Order for review/subsequent review of Suspension, if any. [Sub rule (6) & (7) of Rule 5 of D&A Rules]	
	(c)	Deemed suspension (SF-2), details thereof	
	(d)	Non-employment certificate submitted by the CO, if any. (SF-3)	
	(e)	If Subsistence Allowance paid, amount thereof. [Rule 1342, R-II]	
	(f)	Subsistence Allowance increased/decreased where suspension period exceed 3 months, amount thereof. [Rule 1342, R-II]	
	(g)	Revocation of suspension. (SF-4)	
4.		Name and Designation of the Disciplinary Authority. DA should be as per Schedule-II of D&A Rules, 1968 and the CO should be under the administrative control of the DA.	
5.	(a)	Nature of chargesheet. (SF-5/SF-11 and SF-11B).	
	(b)	Original chargesheet cancelled & fresh issued, if any - details thereof.	
	(c)	Corrigendum, if any to the chargesheet	
	(d)	Chargesheet and its annexures. (Note 3 below)	
	(e)	Relied Upon Documents, only relevant to the charge memorandum, enclosed with the chargesheet.	
	(f)	Whether chargesheet is issued against retired Railway servant who was under suspension at the time of retirement. (RBE-199/2000)	
6.		Documents not provided with chargesheet, if any.	
7.		Record of delivery of the chargesheet & acknowledgement by the CO.	
8.		Written Statement of defence of the CO on the chargesheet. [Rule 9(7)]	
9.		If inquiry was not held (SF-11B or SF-5), details thereof	
10.		Appointment of Inquiry Officer/Board of Inquiry. (SF-7)	
11.		Fresh appointment order of IO, in case of change of IO, if any, details thereof.	
12.		Appointment of Presenting Officer. (SF-8)	
13.		Forwarding the case file to IO by the DA.	
14.		Nomination of Defence Helper with name, designation & office along with the consent of DH. (Rule 13)	
15.		Preliminary hearing before regular inquiry.	

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16.	(a)	Representation of the CO alleging biasness against the IO, if any.	
	(b)	Disposal of above representation by the Revising Authority.	
17.	(a)	Request by CO for permission to inspect documents, if any,	
	(b)	IO's response-acceding to/refusing permission (SF-6) - details thereof.	
18.		Copy of brief of P.O. delivered to CO on completion of inquiry.	
19.		Statement of defence by the CO on completion of inquiry. [Rule 9(19)]	
20.		Inquiry Report with daily order sheets & proceedings.	
21.		If ex-parte proceedings were held, details thereof.	
22.		Memorandum of disagreement with IO's report by the DA, if any.	
23.		Record of delivery of Inquiry Report to CO.	
24.		Representation of CO against Inquiry Report.	
25.		2nd Stage advice of CVC/Vig. (If DA varies with 1st stage advice) if any.	
26.		If DA is not competent to impose penalty, referral to higher authority, if any.	
27.		Reasoned and Speaking Order of the DA with findings on each article of charge.	
28.		Notice Imposing Penalty indicating designation of Appellate Authority, (Note 5 below)	
29.		Record of delivery of DA's Speaking Order and NIP to the CO.	
30.		Order of the DA on Compassionate Allowance in terms of Rule 65 of Railway Services (Pension) Rules, 1993, if any.	
C. Appellate stage			
1.		Appeal against order of DA preferred by the CO to Appellate Authority.	
2.		Para-wise comments of the DA on the appeal submitted by the CO.	
3.		Whether the appeal was submitted within stipulated time.	
4.		Whether the AA has previously dealt the case at any level. [Rule 19(2)(ii)]	
5.		Personal hearing given by AA under Rule 24(1), if any.	
6.		2nd Stage advice of CVC/Vig. (if AA varies with 1st stage advice) if any.	

Contd...4/-.

7.	(a)	Proposal for enhancement of penalty, if any seeking representation from CO. [Rule 22(2)(v)]	
	(b)	Reply of the CO to the above.	
8.		Reasoned and Speaking Order of the AA indicating designation of Revising Authority. (Note 4 & 5 below)	
9.		Informing CO about special provisions for NG staff under Rule 24(2) or 24(3), as the case may be, if applicable.	
10.		Record of delivery of AA's Speaking Order to the CO through DA. (Rule 23)	
D. Revisionary stage			
1.	(a)	Revision undertaken by Revising Authority on its own motion.	(Yes/No)
	(b)	If yes, details regarding compliance of Rule 25 of D&A Rules, 1968.	
2.		Revision Petition against the order of the AA submitted by the CO to the RA.	
3.		Para-wise comments of AA on the Revision Petition submitted by the CO.	
4.		Whether Revision Petition was submitted within stipulated time.	
5.		Whether the RA has previously dealt the case at any level. [Rule 19(2)(ii)]	
6.		2 nd Stage advice of CVC/Vig. (If RA varies with 1 st stage advice) if any.	
7.	(a)	Proposal for enhancement of penalty, if any seeking representation from CO. [Rule 22(2)(v)]	
	(b)	Reply of the CO to the above.	
8.		Reasoned and Speaking Order of the RA. (Note 4 below)	
9.		Record of delivery of RA's Speaking Order to the CO through AA. (Rule 23)	
E. Miscellaneous information.			
1.		Whether CO came on transfer during pendency of the case - details thereof.	
2.		Details of CAT/Court Case and orders of court, if any.	
3.		Action taken under Rule 14, if any (with documents detailed against Notes 9).	
4.		Facts/comments pertinent to the case, not mentioned above.	

NOTES

1. No row of the Check List should be left unfilled; NA or NIL should be mentioned, as the case may be.
2. Office designated to maintain SRs (Personnel branch in most cases) should check that all service related particulars are correctly mentioned in the Check List. DA should ensure that the case is checked and verified before chargesheet is issued.
3. Annexures-I & II of SF-5 should not be identically worded. Annexure-I should contain the specific charge(s) and Annexure-II should contain details of imputation of misconduct including violation of rules/instructions (Refer Para 3 of MC 67). Mentioning of only para numbers of RS (Conduct) Rules, 1966 and their description should be avoided. Rather, violation of relevant RS (Conduct) Rules should be specifically framed in relation to the charge in question and elaboration of relevance of the provisions of the Conduct Rules violated should be made. Sub-rule (i) & (ii) of Rule 3.1 of RS (Conduct) Rules may be carefully mentioned against the same charge - Refer para 4 of RBE No.22/2009.
4. DA/AA/RA should invariably consult Rule 6 of RS (D&A) Rules as amended from time to time and the SR of the CO before imposing/reducing/enhancing penalties.
5. Speaking Orders passed by the DA/AA/RA should be reasoned with details regarding findings against each charge with justification for arriving at the decision.
6. Provisions of Rule 20 & 21 (1) & (2) of RS (D&A) Rules may be spelt out with the NIP issued by the DA and the Speaking Order passed by AA.
7. Rule 11(2) of RS (D&A) Rules should be consulted, if imposition of any minor penalty affects adversely the amount of pensionary benefits of the staff.
8. Miscellaneous information against E of the Check List may be filled up at any stage depending upon when such information becomes pertinent.
9. Against Sl. 3 of Miscellaneous information E, the sub-rule of Rule 14 of RS (D&A) Rules under which disciplinary action has been initiated should be clearly mentioned. For cases initiated under Rule 14(i) of RS (D&A) Rules, following documents should be furnished viz., i) The judgement passed by the Hon'ble Court based on which the case was initiated, ii) Show cause notice issued to the CO, iii) Reply of the CO to the aforesaid show cause notice, iv) Para-wise comments on the factual procedural points raised by the CO in his reply, v) Appeal filed by the CO against conviction, if any & vi) Outcome/present position of appeal along with copy of orders passed thereon, if any. In case, any of the above document(s) is/are not furnished, a mention should be made against Sl. 3 of Miscellaneous information E. If the disciplinary case is initiated under provisions of sub-rule (ii) & (iii) of Rule 14, all relevant documents should be furnished.
10. This check list would continue up to completion of Revisionary stage by filling it up, stage-wise. DA should ensure that upto Sl. 3 of the Appellate stage against C of the check list is filled up before forwarding the case to the AA. Likewise, AA should ensure filling up to Sl. 4 of the Revisionary stage against D of the check list before forwarding the case to the RA. Finally, after the RA passes the order, the custodian of the DA case file, in the respective unit, should complete the Check List by filling it up till its end.
