

Serial No. 171/2022

Eastern Railway

No. E. 308/0/Vol. XX

Kolkata dated 24.11.2022

All Concerned

Sub: Comments of Disciplinary Authority/Appellate Authority in the matter of Appeal/Revision under RS(D&A) Rules, 1968.

Copy of Dy. Director/Estt (Discipline & Appeal), Railway Board's letter No. E(D&A) 2022 RG 6-7 dated 10.11.2022 (RBE No. 147/2022) on above subject is attached herewith for information, guidance and strict compliance.

Railway Board's earlier letter dated 13.01.2000 mentioned therein was circulated vide this office serial No. 23/2000.

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

DA: As above

Index No. 1033: Disciplinary/Appellate Authority should confine their comments to the points raised by the appellant in their Appeal/Revision Petition while forwarding to Appellate/Revisionary Authority and not on any extraneous issues. Similarly, all the above authorities should ensure that they pass orders strictly based on evidence on record and not on any extraneous considerations.


(Dharmendra Weekey)
Dy. Chief Personnel Officer/HQ
for Principal Chief Personnel Officer



Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
– (Railway Board)

No. E(D&A)2022 RG 6-7

New Delhi., Dt.10.11.2022

General Managers,
 All Indian Railways and Production Units etc.,
 (As per standard List).

Sub: Comments of Disciplinary Authority/Appellate Authority in
 the matter of appeal/Revision under RS(D&A) Rules, 1968.

Ref: Railway Board's letter No. E(D&A) 99/RG6-40 dated
 13.01.2000.

Attention is invited to instructions contained in this office letter No. E(D&A) 99/RG6-40 dated 13.01.2000(R.B.E.No.07 of 2000) that it be ensured that while forwarding appeal to Appellate Authority, the Disciplinary Authority confines the comments to the points raised in the appeal and not on any extraneous circumstances on which the charged official has had no opportunity to explain his position.

2. It has now been brought to notice by AIRF that *"a cursory perusal of the orders will reveal that the factum of an employee not getting any opportunity on the extraneous circumstances, which are raised/offered by the authorities concerned, is in existence. If one scrutinizes all such comments made by the DA/AA in the respective Appeal/Revision Petition, extraneous issues/circumstances were alone emphasized, which always prejudices the mind of the AA/RA"*.

3. In this regard, it is pointed out that under the existing scheme of the Railway Servants (Discipline & Appeal) Rules, 1968, the Appellate Authority has been enjoined upon to consider *"Whether findings of the DA are warranted by the evidence on record"* (Rule 22(2) (b) of RS (D&A) Rules, 1968). The same obligation is also cast upon the Revisionary Authority by the provision that *"An application for revision shall be dealt with in the same manner as if it were an appeal under these rules"* (Rule 25 (3) of RS (D&A) Rules, 1968). The extant Rules thus do not permit passing of an order by the Appellate/ Revisionary Authority which is based on extraneous considerations and are not based on evidence.

4. It is therefore reiterated that the instructions contained in letter dated 13.01.2000 (R.B.E.No.07 of 2000) be scrupulously followed by the Appellate/Revisionary Authority and it may be ensured that orders are passed strictly on the basis of evidence on record and not on any extraneous considerations whatsoever.

Renuka

(Renuka Nair)
Dy. Director/Estt. (Discipline & Appeal)
Railway Board.

Copy to:

1. The General Secretary, AIRF, 4 State Entry Road, New Delhi (with 35 spares).
2. The General Secretary, NFIR, 3 Chelmsford Road, New Delhi (with 35 spares).
3. All Members, Departmental Council & National Council and Secretary, Staff Side, Natinal Council, 13-C Ferozshah Road, New Delhi (with 60 spares).
4. The Secretary General, FROA, Rail Bhavan, New Delhi (with 6 spares).
5. The Secretary General, IRPOF, Rail Bhavan, New Delhi (with 6 spares).
6. The Secretary, RBSS 'Group A Officers' Association', Rail Bhavan, New Delhi.
7. The Secretary, RBSS 'Group B Officers' Association.
8. The Secretary, Railway Board Ministerial Staff Association.
9. The Secretary, Railway Board Group D Employees Association.
10. The Secretary, RBSSS Officers Association, Rail Bhavan, New Delhi.
11. The Secretary General, AIRPFA, Room No. 256-D, Rail Bhavan, New Delhi.
12. M/s Bahri Brothers, 742, Lajpat Rai Market, Delhi-110006, P.O. Box No. 2032.
13. Principal Executive Director/Safety, Railway Board, New Delhi.
14. Chief Commissioner of Railway Safety, Lucknow.
15. The General Secretary, All India SC/ST Railway Employees Association, Room No.8, Ground Floor, Rail Bhavan, New Delhi-110001.
16. The General Secretary, Retired Railway Employees Welfare Association (regd.) 490A/16, Gurudwara Road, Gurgaon.
17. The Manager (HRD), Rail Land Development Authority, Near Safdarjung Railway Station, Motibagh-I, New Delhi-110021.
18. The Chief Mechanical Engineer, Indian Railways Organisation for Alternate Fuels, 12th Floor, Core-I, Scope Minar, District Centre, Laxmi Nagar, Delhi-110092.
19. Office of Chief Administrative Officer, Indian Railways (Workshop Projects), Chamber Bhavan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.
20. Chief Administrative Officer, Rail Coach Factory/Raebareilli Project, Kishanganj, Delhi-110007.



For Principal Executive Director(IR), Railway Board

Copy to:

PS/MR, PS/MOS(J), PS/MOS(D)
Sr. PPSs to CRB, M(Finance), M(Infra), M(T&RS), M(O&BD)
PPSs to Secretary, DG/RHS, DG/RPF
PPSs of all Addl. Members
PSs to PED(Vig)
ED/IR, EDE, EDE(N), EDE(Res), JS, JS(E), JS(E)-II, JS(Conf/P), JS(G), EDV(E),
DV(M), E(O)I, E(O)II, E(O)III-CC, ERB-1, ERB-V, ERB-VI, Vig.-1, E(Rep)I, II & III,
Security(E).