

WESTERN RAILWAY

P.S. No. 121/2015

Headquarter Office,
Churchgate
Mumbai-20
Dt. 15/10/2015

No. E/DAR/308/0 Vol. XI

All Concerned

Sub: Imposition of penalties of dismissal, removal or compulsory retirement - Determination of Appointing Authority reg.

A copy of Railway Board's letter No. E(D&A) 2012 RG 6-34 dt. 30.09.2015 is sent herewith for information, guidance and necessary action please.

Railway Board's letter No. E(D&A) 2002 RG 6-36 dt. 25.11.2002 on the above subject has been circulated vide this office circular No. E/DAR/308/0 Vol.VIII dt. 12.12.2002 (PS No. 232/2002).

Encl: As Above.


(B. Mahapatra)
SPO(HQ) →
For General Manager (E)

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

RBE No. 119/2015

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).

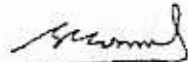
Sub: Imposition of penalties of dismissal, removal or compulsory retirement - Determination of appointing authority reg.

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