

WESTERN RAILWAY

P.S.No.37/2012

Headquarter Office,
Churchgate, Mumbai-20

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

Date: 09.04.2012


To,
All DRMs / CWMs & Units Incharge,
C/- Genl. Secy., WREU-GTR / WRMS-BCT.
C/- GS-All India SC/ST Rly Employees. Assn,'W' Zone, Mumbai
C/- GS-All India OBC Rly Empl. Assn, Mumbai.

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

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

Encl: As above.


(U. V. Patel)
Dy.CPO(HQ)
For General Manager(E)

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No.E(D&A) 2012 RG 6-5

New Delhi, dated: 20.3.2012

The General Managers (P),
All Indian Railways and
Production Units etc.,
(As Per Standard List).

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.

Please acknowledge receipt.



(Harish Chander)

Dy. Director Establishment (D&A)
Railway Board

F.No. 11012/12/2010-Est. (A)
 Government of India
 Ministry of Personnel, Public Grievances and Pensions
 (Department of Personnel & Training)

North Block,
 New Delhi

Dated this 12th November, 2010

OFFICE MEMORANDUM

Subject: 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 and 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."

2. The necessity of following the aforementioned rule 15(2) both in letter and spirit is reiterated. The communication forwarding the IO's report along with 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.

A. Bhatnagar

(A. Bhatnagar)

Deputy Secretary to the Government of India

आरबीई सं. 36/2012

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

सं. ई (डी एंड ए) 2012 आरजी 6-5

नई दिल्ली, दिनांक: 20.03.2012

महाप्रबंधक (कार्मिक),
सभी भारतीय रेलों एवं उत्पादन इकाइयों, आदि
(कर्मक सूची के अनुसार)

विषय: जांच रिपोर्ट पर कार्रवाई - जांच अधिकारी के निष्कर्षों से असहमत होने के अन्तिम कार्रवायों की सूचना देना।

उपर्युक्त विषय पर कार्मिक एवं प्रशिक्षण विभाग के दिनांक 12.11.2010 के का.जा. सं. 11012/12/2010/एस्ट.ए. की एक प्रतिलिपि संलग्न है। कृपया संलग्न कार्यालय ज्ञापन की विषय-वस्तु को सूचना और कड़े अनुपालन के लिए अपनी रेलवे/इकाई के सभी संबंधितों के ध्यान में लाने। इसमें उल्लिखित सीसीएस (सीसीए) नियम, 1965 के नियम 15 (2) का तदनुसूची उपबंध रेल सेवक (अनुशासन एवं अपील) नियम 1968 के नियम 10 (2) में अंतर्विष्ट है।

कृपया पावती दें।

हरीश चन्द्र

उप निदेशक, स्थापना (अनु. एवं अपील)
रेलवे बोर्ड