

SOUTH CENTRAL RAILWAY

Headquarters Office,
Personnel Department/SC
Dated: 30-03-2012

No. P[R]227/XVI
ALL CONCERNED

PERSONNEL BRANCH SERIAL CIRCULAR No.36/2012

Copy of Board's letter No. E[D&A]2012 RG6-5 dated 20.03.2012 is forwarded for information, guidance and necessary action. This circular is also available on the website and can be accessed at the address www.scr.indianrailways.gov.in.


(M.SREERAMULU)
SPO/Rules

For Chief Personnel Officer

Copy of Board's letter No. E[D&A]2012 RG6-5 dated 20.03.2012 [RBE No.36/2012]

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 on 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.

sd/-
(Harish Chander)/DDE [D&A]

Copy of Department of Personnel and Training's O.M. No.11012/12/2010/Estt.A dtd. 12.11.2010

Sub: 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 the 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 IOs report alongwith 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.

4. Ministry of Finance etc., may bring the contents of the above OM to the notice of all concerned.

sd/-
(A.Balaram)/Dy.Secy. to Govt. Of India

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-	<i>Action on inquiry report – communicating tentative reasons for disagreement with the findings of the Inquiry Officer etc.:[1]</i> The provisions of rule 10[2] of Railway Servants [Discipline & Appeal] Rules, 1968 have been reiterated. [2] It should be ensured that the communication forwarding the Inquiry Officer's report should 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 Official.	36/2012