

SOUTH CENTRAL RAILWAY

Headquarters Office.
Personnel Branch/SC.
Date: 13.10.2015

No.P(R)/227/XVII

ALL CONCERNED

PERSONNEL BRANCH SERIAL CIRCULAR NO. 106/2015

Copy of Board's letter No. E(D&A)2012 RG6-34 dated 30.9.2015 is forwarded for information, guidance and necessary action. Board's letter dated 25.11.2002 quoted therein was circulated under SC No.243/2002.

(Handwritten signature and date)
13/10/15

(P.RADHA KRISHNA)
Secretary to CPO
for Chief Personnel Officer.

Board's letter No. E(D&A)2012 RG6-34 dated 30.9.2015 [RBE No. 119/2015]

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 of 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.

Sd/-
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Board have reiterated their instructions 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.	106/2015