



मुख्यालय कार्मिक विभाग, प्रथम तल, महाप्रबंधक कार्यालय, बिलासपुर (छ. ग.) 495004
HEAD QUARTER PERSONNEL DEPARTMENT, 1st FLOOR, GM's OFFICE,
BILASPUR (C.G.) 495004

सं. पी-एचक्यू/रुलिंग/डी & ए/04/2035

दिनांक:-04.06.2019

प्रति,
सर्व संबंधित

स्थापना नियम सं.-154/2019

विषय:- Proper issuing of Charge Sheet and Notice of Imposition of Punishments under DAR-Proper Procedure regarding.

1. A copy of Railway Board's Letter No. E(O)I-2019/Policy/03 dated 10-5-2019 is published for information, guidance and necessary action. In order to ensure strict compliance of the instructions contained in the said letter the following comprehensive instructions are issued.
2. It is the personal responsibility of the Disciplinary Authority to issue Major penalty charge sheet in a proper manner as per the Rules. Before finally issuing the Charge sheet, the draft shall be sent to the concerned Personnel Department for vetting. The following should be personally ensured by the Disciplinary Authority (before issuing Major Penalty charge sheet) and the Vetting authority (before vetting).
 - 2.1 It should be ensured whether the D.A is competent to issue charge sheet.
 - 2.2 It should be ensured that the Articles of Charges (Annexure-I) is drafted properly. The charges should incorporate the Rule/Administrative instruction/Established practice/law which is violated by the Charged Official which resulted in the delinquency.
 - 2.3 It should be ensured that the Statement of Imputations (Annexure-II) is drafted properly.
 - 2.4 It should be ensured that the Relied Upon Documents (Annexure-III) is correctly listed and the page numbers of each RUD is recorded correctly. All pages of RUD will be personally verified by the D.A & Vetting authority and ensure that they are legible.
3. It is the personal responsibility of the Disciplinary Authority to issue Notice of Imposition of Punishment (N.I.P) or Notice of Exoneration(N.O.E) in Major Penalty Disciplinary cases in a proper manner as per the Rules. Before finally issuing the N.I.P or N.O.E, the draft shall be sent to the concerned Personnel Department for vetting. The following should be personally ensured by the Disciplinary Authority (before issuing N.I.P or N.O.E) and the Vetting authority (before vetting).
 - 3.1 It should be ensured whether the D.A is competent to issue that particular punishment.
 - 3.2 The following aspects should be compulsorily ensured.
 - 3.2.1 All letters of communication issued by the Inquiry Officer and Charged Official are available on file.
 - 3.2.2 The proceeding of Preliminary Hearing duly signed by the I.O, C.O and the P.O (if nominated) should be available on file.
 - 3.2.3 All proceedings of Regular Hearing duly signed by the I.O, C.O, D.C (if nominated), P.O (if nominated) and the Witnesses concerned.
 - 3.2.4 The proceeding of General Examination of C.O duly signed by the I.O, C.O, D.C (if nominated) and the P.O (if nominated) should be available on file.
 - 3.2.5 All Daily Order Sheets duly signed by the I.O should be available on file.
 - 3.3 The Inquiry Report is prepared and shall contain the following
 - 3.3.1 The Articles of charge and the statement of imputations of misconduct or misbehavior.


4-6-19

- 3.3.2 The defence of the Railway servant in respect of each Article of charge
3.3.3 An assessment of the evidence in respect of each Article of charge
3.3.4 The findings on each Article of charge and the reasons therefor.
3.4 If the D.A disagree with any of the findings in the Inquiry Report and that disagreement is not in favour of the C.O, the details of the disagreement should be communicated to the C.O as Memorandum of Disagreement, allowing him to represent against the said Memorandum. This should be available on file.
3.5 The N.I.P or the N.O.E should be a reasoned and speaking order.

4. It is the personal responsibility of the Disciplinary Authority to issue Minor penalty charge sheet in a proper manner as per the Rules. The following should be personally ensured by the Disciplinary Authority (before issuing Minor penalty charge sheet)-

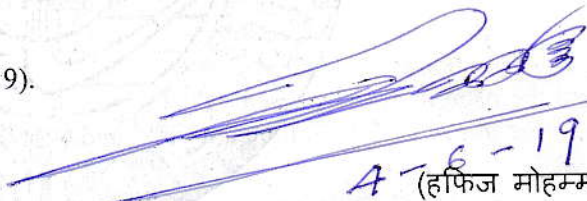
- 4.1 It should be ensured whether the D.A is competent to issue charge sheet.
4.2 It should be ensured that the Statement of Imputation is drafted properly. The charges should incorporate the Rule/Administrative instruction/Established practice/law which is violated by the Charged Official which resulted in the delinquency.
4.3 It is not mandatory to enclose the Relied Upon Documents along with the Charge sheet, but all RUDs should be mentioned in the Statement of Imputation and should be available on file. All pages of RUDs will be personally verified by the D.A and ensure that they are legible.

5. It is the personal responsibility of the Disciplinary Authority to issue Notice of Imposition of Punishment or Notice of Exoneration in Minor Penalty Disciplinary cases in a proper manner as per the Rules. The following should be personally ensured by the Disciplinary Authority (before issuing N.I.P or N.O.E) -

- 5.1 It should be ensured whether the D.A is competent to issue that particular punishment.
5.2 All letters of communication issued by the D.A and Charged Official are available on file.
5.3 The N.I.P or the N.O.E should be a reasoned and speaking order.

6. The Personnel Department shall study the cases sent for vetting and shall vet the matter within a period of 15 days from the receipt of the case. If any matter is found to be rectified, the file will be returned within a period of 15 days for necessary rectification and re submission for vetting.

Encs.- As Above (Bd's letter dated 10.05.2019).


4-6-19 (हफिज मोहम्मद)

उप मुख्य कार्मिक अधिकारी (एच.क्यू.)
कृते प्रधान मुख्य कार्मिक अधिकारी

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Confidential

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

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No. E(O)I-2019/Policy/03

New Delhi, Date: 10.05.2019

The General Managers,
All Indian Railways including CORE and Metro Railway

The Director General,
RDSO

The General Managers,
Production Units

The Directors
Railway Institutes (as per standard list).

Sub: Submission of Inquiry Reports to Railway Board.

It has been noticed in many cases that the Inquiry Reports, especially in the cases where the Disciplinary Authority is Railway Board, are being forwarded to Railway Board by Zonal Railways/PUs without proper documentation/scrutiny e.g. deficiencies in Prosecution/Defence documents, documents not legible, and photocopies of original documents not authenticated etc. resulting in having to make a back reference to the Railway and loss of precious time.

Railways are aware that Hon'ble MR has taken a serious view in regard to the delay in the finalization of D&AR cases and has desired that these cases should be brought to logical conclusion in a time bound manner. Accordingly, several measures including introduction of Single Window System have been taken to reduce the time span in finalization of D&AR cases.

In view of the above, Railways are advised to ensure, while forwarding the Inquiry Reports to Board's office, that Inquiry Reports are complete in all respect in terms of RS (D&A) Rules, 1968 and all relevant documents/proceedings as referred to in the report are enclosed either in original or legible and authenticated copies thereof.

This is an informative Circular which should be circulated as ESH Rule. Along with circulating this letter, we may issue a comprehensive Rule on vetting of Charge sheet and NIPs and what all to be taken note of while vetting please.

CPO (P) may be circulated pl.
24.05/19

17.5.19
महाप्रबंधक
सादर अवलोकनार्थ प्रस्तुत

(B.Majumdar)
Joint Secretary/Establishment
Railway Board

Agm
PCPO, SOGm
AU PHSDS
AU DRMS.

22.5.19