

I/82829/2022

EAST CENTRAL RAILWAY



कार्यालय
महाप्रबंधक(का)
हाजीपुर

RBE No.147/2022

PCPO's SI No.164/2022

No.ECR-HQ0PERS (RULE)/ 27/2022 Com.No.190216)

1. CAO (Con.)/उत्तर एवं दक्षिण/पटना।
2. सभी PHOD/CHOD/पूमरे/हाजीपुर।
3. DRM/पूमरे/दानापुर, डीडीयू, धनबाद, सोनपुर एवं समस्तीपुर।
4. मुख्य कार्मिक अधिकारी/प्रशासन/पूमरे/हाजीपुर।
5. मुख्यालय के सभी कार्मिक अधिकारी।
6. CWM/पीडी/डीडीयू, यांत्रिक कारखाना/समस्तीपुर एवं हरनौत।
7. Sr.DPO/पूमरे/दानापुर, डीडीयू, धनबाद, सोनपुर एवं समस्तीपुर।
8. उप महाप्रबंधक/विधि/पटना।
9. प्राचार्य/क्षेत्रीय रेल प्रशिक्षण संस्थान/मुजफ्फपुर एवं भूली।
10. सभी मुकार्याधी/कार्याधी/पूमरे/हाजीपुर।

विषय:-Comments of Disciplinary Authority/Appellate Authority in the matter of appeal/Revision under RS(D&A) Rules, 1968.

संदर्भ:-Railway Board's letter No.E(D&A)2022 RG 6-7 Dated:10-11-2022

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं अग्रेत्तर आवश्यक कार्रवाई हेतु प्रेषित की जा रही है।

A copy of above referred letter on the subject matter is being forwarded herewith for information, guidance and needful onward action please.

DA: As above.

Digital Signature (का)

Ku Choudhary/ईएसएम

Date: 23-11-2022 18:59:16

कृत महाप्रबंधक (का)/हाजीपुर

Reason: Approved

प्रतिलिपि/— निम्नलिखित को सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु प्रेषित:-

1. महासचिव/ईसीआरकेयू/पूमरे/हाजीपुर।
2. महासचिव/एस.सी.एवं एस.टी.एशोसिएशन/पूमरे/हाजीपुर।
3. सकाधि(एम.पी.पी.)/पूमरे/हाजीपुर—कृपया इसे वेबसाइट पर अपलोड करें।
4. महासचिव/ओ.बी.सी.एशोसिएशन/पूमरे/हाजीपुर।



**Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
- (Railway Board)**

No. E(D&A)2022 RG 6-7

New Delhi., Dt.10.11.2022

General Managers,
All Indian Railways and Production Units etc.,
(As per standard List).

Sub: Comments of Disciplinary Authority/Appellate Authority in
the matter of appeal/Revision under RS(D&A) Rules, 1968.

Ref: Railway Board's letter No. E(D&A) 99/RG6-40 dated
13.01.2000.

Attention is invited to instructions contained in this office letter No. E(D&A) 99/RG6-40 dated 13.01.2000(R.B.E.No.07 of 2000) that it be ensured that while forwarding appeal to Appellate Authority, the Disciplinary Authority confines the comments to the points raised in the appeal and not on any extraneous circumstances on which the charged official has had no opportunity to explain his position.

2. It has now been brought to notice by AIRF that *"a cursory perusal of the orders will reveal that the factum of an employee not getting any opportunity on the extraneous circumstances, which are raised/offered by the authorities concerned, is in existence. If one scrutinizes all such comments made by the DA/AA in the respective Appeal/Revision Petition, extraneous issues/circumstances were alone emphasized, which always prejudices the mind of the AA/RA"*.

3. In this regard, it is pointed out that under the existing scheme of the Railway Servants (Discipline & Appeal) Rules, 1968, the Appellate Authority has been enjoined upon to consider *"Whether findings of the DA are warranted by the evidence on record"* (Rule 22(2) (b) of RS (D&A) Rules, 1968). The same obligation is also cast upon the Revisionary Authority by the provision that *"An application for revision shall be dealt with in the same manner as if it were an appeal under these rules"* (Rule 25 (3) of RS (D&A) Rules, 1968). The extant Rules thus do not permit passing of an order by the Appellate/ Revisionary Authority which is based on extraneous considerations and are not based on evidence.

4. It is therefore reiterated that the instructions contained in letter dated 13.01.2000 (R.B.E.No.07 of 2000) be scrupulously followed by the Appellate/Revisionary Authority and it may be ensured that orders are passed strictly on the basis of evidence on record and not on any extraneous considerations whatsoever.

Renuka

**(Renuka Nair)
Dy. Director/Estt. (Discipline & Appeal)
Railway Board.**

New Delhi, Dt. 10.11.2022

Copy to:

1. The General Secretary, AIRF, 4 State Entry Road, New Delhi (with 35 spares).
2. The General Secretary, NFIR, 3 Chelmsford Road, New Delhi (with 35 spares).
3. All Members, Departmental Council & National Council and Secretary, Staff Side, Natinal Council, 13-C Ferozshah Road, New Delhi (with 60 spares).
4. The Secretary General, FROA, Rail Bhavan, New Delhi (with 6 spares).
5. The Secretary General, IRPOF, Rail Bhavan, New Delhi (with 6 spares).
6. The Secretary, RBSS 'Group A Officers' Association', Rail Bhavan, New Delhi.
7. The Secretary, RBSS 'Group B Officers' Association.
8. The Secretary, Railway Board Ministerial Staff Association.
9. The Secretary, Railway Board Group D Employees Association.
10. The Secretary, RBSSS Officers Association, Rail Bhavan, New Delhi.
11. The Secretary General, AIRPFA, Room No. 256-D, Rail Bhavan, New Delhi.
12. M/s Bahri Brothers, 742, Lajpat Rai Market, Delhi-110006, P.O. Box No. 2032.
13. Principal Executive Director/Safety, Railway Board, New Delhi.
14. Chief Commissioner of Railway Safety, Lucknow.
15. The General Secretary, All India SC/ST Railway Employees Association, Room No.8, Ground Floor, Rail Bhavan, New Delhi-110001.
16. The General Secretary, Retired Railway Employees Welfare Association (regd.) 490A/16, Gurudwara Road, Gurgaon.
17. The Manager (HRD), Rail Land Development Authority, Near Safdarjung Railway Station, Motibagh-I, New Delhi-110021.
18. The Chief Mechanical Engineer, Indian Railways Organisation for Alternate Fuels, 12th Floor, Core-I, Scope Minar, District Centre, Laxmi Nagar, Delhi-110092.
19. Office of Chief Administrative Officer, Indian Railways (Workshop Projects), Chamber Bhavan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.
20. Chief Administrative Officer, Rail Coach Factory/Raebareilli Project, Kishanganj, Delhi-110007.



For Principal Executive Director(IR), Railway Board

Copy to:

PS/MR, PS/MOS(J), PS/MOS(D)
 Sr. PPSs to CRB, M(Finance), M(Infra), M(T&RS), M(O&BD)
 PPSs to Secretary, DG/RHS, DG/RPF
 PPSs of all Addl. Members
 PSs to PED(Vig)
 ED/IR, EDE, EDE(N), EDE(Res), JS, JS(E), JS(E)-II, JS(Conf/P), JS(G), EDV(E),
 DV(M), E(O)I, E(O)II, E(O)III-CC, ERB-1, ERB-V, ERB-VI, Vig.-1, E(Rep)I, II & III,
 Security(E).