



दक्षिण रेलवे/SOUTHERN RAILWAY

सं./No.P(R)227/P/Vol.IV

प्रधान कार्यालय/Headquarters Office
कार्मिक शाखा / Personnel Branch
चेन्नै/Chennai - 600 003
दि./Dated:13-10-2015

आर बी ई सं/RBE No. 119 / 2015

पी बी सी सं/ PBC No: 157 / 2015

All PHODs / DRMs / CWMs / CEWE / CAO / CPM / Dy.CPOs / Sr.DPOs /
DPOs / SPOs / WPOs / APOs of HQ / Divisions / Workshops / other Units,
etc.,

(As per mailing list - 'A')

विषय/Sub: Imposition of penalties of dismissal, removal or
compulsory retirement – Determination of appointing
authority – reg.

A copy of Railway Board's letter No.E(D&A) 2012 RG6-34 dated
30-09-2015 (RBE No. 119 / 2015) on the above subject is enclosed for
information, guidance and necessary action.

Railway Board's letter dated 25-11-2002 referred therein has been
circulated under PBC No.237/2002.

(V.SRINIVASAN)

वरिष्ठ कार्मिक अधिकारी/नियम
Senior Personnel Officer/Rules
कृते मुख्य कार्मिक अधिकारी
For Chief Personnel Officer

संलग्न/Encl: as above

प्रतिलिपि/Copy to : The Genl.Secy/ SRMU
The Genl.Secy/ AISCSTREA
The Genl.Secy/ AIOBCREA

The Genl Secy/NFIR



RBE No. 119/2015

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. E(D&A) 2012 RG6-34

New Delhi, 30.09.2015

The General Manager(P)
All Indian Railways and
Production Units etc.
(As per standard list).

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 or 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.
4. Hindi version will follow. Please acknowledge receipt.


(S. Modi)
Dy. Director Estt. (D&A)
Railway Board