



दक्षिण रेलवे/SOUTHERN RAILWAY

सं./No.P(R)227/P/Vol.VI

प्रधान कार्यालय/ Headquarters Office
कार्मिक शाखा/ Personnel Branch
चेन्नै/Chennai - 600 003
दि./ Dated:06-10-2015

पी बी सी सं/ PBC No: 151 / 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: Role of Disciplinary / Appellate / Revisionary Authorities
while dealing with the sensitive cases.

A copy of Railway Board's letter No.2009/V1/CVC/1/5 dated 18-08-2015 along with its enclosures on the above subject is enclosed for information, guidance and necessary action.

(V.SRINIVASAN)

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

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

The Genl Secy NFIR

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD
New Delhi**

No. 2009/V1/CVC/1/5

Dated 18.08.15

**The SDGMs
Zonal Railways**

**The Chief Vigilance Officers
PSUs/PUs/RDSOs/METRO/CORE**

Sub: Role of Disciplinary/Appellate/Revisionary Authorities while dealing with the sensitive cases.

The need for issue of self-contained, speaking and reasoned order by the Disciplinary/Appellate/Revisionary Authorities has been emphasized to Zonal Railways from time to time. Copies of relevant instructions issued in this regard are enclosed herewith.

It has, however, come to notice that while dealing with sensitive cases relating to alleged corruption, the Disciplinary/Appellate/Revisionary Authorities may sometimes be casual in their approach and their speaking and reasoned orders may not reflect proper application of mind. The CVC has also commented on this aspect from time to time.

It is, therefore, desired that all concerned Disciplinary/Appellate/Revisionary Authorities should be advised to be careful in dealing with the sensitive cases relating to alleged corruption and they should record their decisions after giving due thought to the gravity of the charges and the nature and extent of irregularity. Handling of appeal and revisionary petitions should be done with utmost care and after taking all facts into consideration. While exercising their judgment, DAs/AAs/RAs are expected to be fair and just. At the same time, decisions taken should not give the impression that the employees found guilty of serious misconduct are ultimately let off leniently as this would vitiate the process of punishing the guilty and will create an impression that allegations of corruption are not taken seriously.

This issues with the approval of Chief Vigilance Officer/Railway Board.

DA: (i) Letter No. 2003/V-1/CVC/1/19 dated 8.12.2003

(ii) Letter Nos. 2009/V-1/CVC/1/5 dated 20.4.2009, 28.12.2011, 23.5.2012 and 5.01.2015



**(N.K.Sharma)
Director Vig(Stores) as Director Vig(M)
Railway Board**

Government of India
Ministry of Railways
(Railway Board)

No.2009/V-1/CVC/1/5

New Delhi, dated 05 Jan. 2015

The SDGMs
Zonal Railways

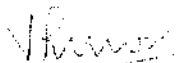
The Chief Vigilance Officers
PSUs/PUs/RDSO/METRO/CORE

Sub: Need for self-contained speaking and reasoned orders to be issued by the authorities exercising Disciplinary/Appellate/Revisionary powers

Attention is invited to Board's letter of even number dated 23.5.2012 and 20.6.2014 stressing upon the role of the Disciplinary Authorities while passing Speaking Orders. In one case, it was observed that Appellate Authority did not give reasoned self-contained order, while deciding the case.

2. The Central Vigilance Commission, have recently, advised that the Disciplinary/Appellate/Revisionary Authorities should give sufficient and justified reasons in the Speaking Orders for imposition of penalty on the erring officials or reducing the penalty already imposed on the delinquent officials.

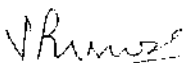
3. It is requested that above instructions may kindly be brought to the notice of all concerned.


(Vikas Purwar)
Director Vigilance (M)
Railway Board

No.2009/V-1/CVC/1/5

New Delhi, dated 05 Jan 2015

Copy to :- i) All Officers and the Branches of Vigilance Directorate
ii) AIRF, NFIR, IRPOF, FROA & AIRPFA
iii) CVC w.r.t their OM No.0082/RLY/41/267578 dated 02.12.2014.


(Vikas Purwar)
Director Vigilance (M)
Railway Board

Government of India
Ministry of Railways
(Railway Board)

New Delhi, dated 23 May, 2012

No.2009/V-1/CVC/1/5

The General Managers
Zonal Railways/PUs/CORE/ALD
NF(CONST)/METRO/KOLKATA
Managing Directors / PSUs,
Director Generals / RDSO/LKO &
RSC/BRC
CAO/COFMOW, DMW/Patiala

The SDGMs
Zonal Railways

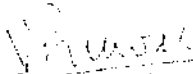
Chief Vigilance Officers
PSUs/PUs/RDSO/METRO/CORE

Sub. **Need for self-contained speaking and reasoned orders to be issued by the authorities exercising disciplinary powers**

Attention is invited to Board's letters of even number dated 20.4.2009 and 28.12.2011 (RBV No.14/2011) stressing upon the role of the Disciplinary Authorities while passing Speaking Orders.

2. The Central Vigilance Commission, have recently, observed that the Disciplinary Authority, apart from recording his reasons in the case file, is also expected to record his reasoning (either in favour or against the Charged Official) in the final Memorandum to be served upon the delinquent officials.

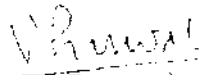
3. It is once again reiterated that instructions contained in CVC's Office Order No.51/9/03 dated 15.09.2003 sent vide Board's letter No.2003/V-1/CVC/1/19 dated 8.12.2003 (RBV No.13/2003) should be strictly followed while passing Speaking Orders in disciplinary cases


(Vikas Purwar)
Director Vigilance (M)
Railway Board

New Delhi, dated 23 May, 2012

No.2009/V-1/CVC/1/5

Copy to - i) All Officers and the Branches of Vigilance Directorate
ii) AIRF, NFIR, IRPOF, FROA & AIRPFA
iii) OSD to Hon'ble MR, MSR(M) & MSR(B)- for kind information
iv) DMĒ/C&IS/RB for information and uploading this letter on the website - (<http://10.1.10.21/railnet/depts/vigilance/Home.htm>)


(Vikas Purwar)
Director Vigilance (M)
Railway Board

Government of India
Ministry of Railways
(Railway Board)

No.2009/V-1/CVC/1/5

New Delhi, dated 28 Dec., 2011

The General Managers
Zonal Railways/PUs/CORE/ALD
NF(CONST)/METRO/KOLKATA
Managing Directors / PSUs,
Director Generals / RDSO/LKO &
RSC/BRC
CAO/COFMOW, DMW/Patiala

The SDGMs
Zonal Railways
Chief Vigilance Officers
PSUs/PUs/RDSO/METRO/CORE

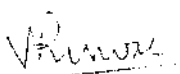
**Sub: Need for self-contained speaking and reasoned orders to be issued
by the authorities exercising disciplinary powers**

Attention is invited to the Board's letter of even number dated 20.4.2009 stressing upon the role of the Disciplinary Authorities while passing Speaking Orders.

2. Recently, in a case, the Central Vigilance Commission have noticed that the Speaking Order passed by the Disciplinary Authority did not spell out the reasons clearly for disagreement with the Commission's advice leading to inclusion of the case as of disagreement in their Annual Report.

3. It is once again reiterated that instructions contained in Board's letter No.2003/V1/CVC/1/19 dated 8.12.2003 (RBV No.13/2003) enclosing CVC's Office Order No.51/9/03 dated 15.09.2003 (copy enclosed) stressing the need for issue of self contained, speaking and reasoned orders by the Disciplinary/Appellate Authorities should be strictly followed while passing Speaking Orders in disciplinary cases.

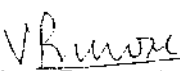
Encl: As above


(Vikas Purwar)
Director Vigilance (M)
Railway Board

No.2009/V-1/CVC/1/5

New Delhi, dated 28, Dec., 2011

Copy to :- i) All Officers and the Branches of Vigilance Directorate
ii) AIRF, NFIR, IRPOF, FROA & AIRPFA
iii) OSD to Hon'ble MR, MSR(M) & MSR(B)- for kind information
iv) DME/C&IS/RB for information and uploading this letter on the website - (<http://10.1.10.21/railnet/deptts/vigilance/Home.htm>)


(Vikas Purwar)
Director Vigilance (M)
Railway Board

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No.2003/V-I/CVC/1/19

New Delhi, dated 08-12-2003

The General Managers,

1. CENTRAL RAILWAY/MUMBAI.
2. EASTERN RAILWAY/KOLKATA.
5. EAST CENTRAL RAILWAY/HAJIPUR.
6. EAST COAST RAILWAY/BHUBANESHWAR.
5. NORTHERN RAILWAY/NEW DELHI.
6. NORTH CENTRAL RAILWAY/ALLAHABAD.
7. NORTH EASTERN RAILWAY/GORAKHPUR.
8. NORTHEAST FRONTIER RAILWAY/MALIGAON.
9. NORTH WESTERN RAILWAY/JAIPUR.
10. SOUTHERN RAILWAY/CHENNAI.
11. SOUTH CENTRAL RAILWAY/SECUNDERABAD.
12. SOUTH EASTERN RAILWAY/KOLKATA.
13. SOUTH EAST CENTRAL RAILWAY/BILASPUR.
14. SOUTH WESTERN RAILWAY/HUBLI.
15. WESTERN RAILWAY/MUMBAI.
16. WEST CENTRAL RAILWAY/JABALPUR.
17. NF CONSTRUCTION/MALIGAON.
18. CLW/CHITTRANJAN.
19. DLW/VARANASI.
20. ICE/CHENNAI.
21. RCF/KAPURTHALA.
22. RWF (RAIL WHEEL FACTORY)/BANGALORE.
23. CORE/ALLAHABAD.
24. METRO/KOLKATA.

(II) Chief Administrative Officers

25. CAO/ Diesel Loco Modernisation Works/PATIALA.
26. COFMOW/NEW DELHI.

(III) Director General

27. The Director General/RDSO/LUCKNOW.
28. The Director General /RSC/VADODARA

IV) The Director,

29. IRICEN/PUNE.
30. IRIEEN/NASIK.
31. IRIMEE/JAMALPUR.
32. IRISER/SECUNDERABAD.
33. IRITM (INDIAN RAILWAY INSTITUTE OF TRANSPORT AND MANAGEMENT)/LUCKNOW.

(V) The Managing Director

- 41 IRCOS PATELKA BHAVAN, E K P P AM, SLD FOR NH, NEW DELHI
- 42 RILS, 1ST FLOOR, NEW DELHI HOUSE, 2ND BARAKHAMBHA RD, NEW DELHI
- 43 IPICC ASHOK CHAMBERS-1, BLOCK 'A', 4TH FLOOR, BHIKAJI CAKRA PL, AC, 1ST FLOOR, NEW DELHI
- 44 CONCEPT ALMERIDHEN COMMERCIAL TOWER, 2ND FLOOR, NEW DELHI
- 45 ERCEL BELAPUR BHAVAN, PLOT NO 6, SECTOR EL, CBD BELAPUR, NAVE MUMBAI
- 46 IRCC BANK OF BARODA BLDG PARLIAMENT STREET, NEW DELHI
- 47 RAHILL, 10TH FLOOR, BANK OF BARODA BLDG PARLIAMENT STREET, NEW DELHI
- 48 MIRA C MUMBAI RAILWAY VIKAS CORP'S 2ND FLOOR, CHURCHGATE STATION BUILDING, NEW MUMBAI
- 49 CRIS, Chonalya Park, New Delhi
- 43 Indian Railway Welfare Organisation, Behind Shankar Market, New Delhi

Subj: Need for self-contained speaking and reasoned order to be
Issued by the authorities exercising disciplinary powers.

A copy of the letter No. 003 DSP 3 dated 15th September, 2003, received from Central Vigilance Commission, on the above subject, is sent herewith for information and necessary action.

DA: As above.

(R.S. Sharma)
Director Vigilance (M),
Railway Board

COPY TO:

All Board Members, All Addl. Members, All Director Generals, All Advisors, All Executive Directors, All Joint Secretaries/Inspector Generals, The Chief Commissioner of Railway Safety/Lucknow, all Constituents of PREM Group, The Secretary, RBSS (Group-A) Officer's Association, The Secretary, RBSS (Group-B) Officers' Association, The Secretary Railway Board Ministerial Staff Association and the Secretary Railway Board (Group-D) Employees' Association.

All Officers and the Branches of Vigilance Directorate.

**Government of India
Ministry of Railways
(Railway Board)**

No.2009/V-1/CVC/1/5

New Delhi, dated April 20, 2009.

The General Managers (P),
All Zonal Railways, PUs, CORE & Metro.

The CAO/DLMW & COFMOW.

The Directors General/RDSO & RSC.

The Managing Directors/All PSUs.

The GMs(Vigilance)/CVOs,
All Zonal Railways/PUs & PSUs.

Sub: Role of Disciplinary Authorities while passing speaking orders

Attention is invited to the Board's letter No.2003/V-1/CVC/1/19 dated 08.12.2003 (**RBV NO.13/2003**), enclosing CVC's Office Order No.51/9/03 contained in their letter No.003/DSP/3 dated 15.09.2003, stressing the need for issue of self contained, speaking and reasoned orders by the disciplinary/ appellate authorities, followed by letter No.2003/V-1/CVC/1/19 dated 19.04.2004 (**RBV No.07/2004**), further pointing out that at the time of issue of final order, imposing a penalty on the charged officer, on the advice of the CVC, and/or at the time of deposing affidavits in the courts, some of the Disciplinary Authorities (DAs) mention the Commission's reference, which leads to an unwarranted presumption that the DA has acted under the influence /pressure of the CVC.

2. Instances have, however, come to the notice of the Commission in which the final orders passed in disciplinary cases by the competent disciplinary authorities did not indicate proper application of mind, but a mere endorsement of the Commission's recommendations which leads to an unwarranted presumption that the DA has taken the decision under the influence of the Commission's advice. The cases where the final orders do not indicate proper application of mind by the DA are liable to be quashed by the courts.

3. As regards, making available a copy of CVC's first and second stage advices to the charged officials is concerned, instructions were issued vide Board's letter No.2001/V-1/CVC/1/2 dated 12.07.2004 (RBV No.14/2004), which should be followed, scrupulously.

4. It is reiterated that the CVC's views/advices in disciplinary cases are advisory in nature and it is for the DA concerned to take a reasoned decision by applying its own mind. The DA while passing the final order, has to state that the Commission has been consulted and after due application of mind, the final orders have been passed. It may also be noted that in the speaking order of DA, the Commission's advice should not be quoted verbatim.

5. It may be ensured that the above guidelines/procedure is strictly followed while processing the disciplinary cases.

(Sanjay Goel)
Director Vigilance (M)
Railway Board

No.2009/V-1/CVC/1/5

New Delhi, dated April 20, 2009.

Copy to:- The Secretary (Attention : Smt. Shalini Darbari, Director), Central Vigilance Commission, Satarkata Bhawan, Block-A, GPO Complex, INA, New Delhi-110023 - for information w.r.t. their Circular No. 02/01/09, circulated vide their letter No.003/DSP/3/31364 dated 15.01.2009.

(Sanjay Goel)
Director Vigilance (M)
Railway Board