



PBC No:240 / 2022
RBE No: 147 / 2022

दक्षिण रेलवे Southern Railway
प्रधान मुख्य कार्मिक अधिकारी का कार्यालय
Office of the Principal Chief Personnel Officer
मुख्य कार्यालय, कार्मिक विभाग, चेन्नै-600003
Headquarters, Personnel Department, Chennai-600003

सं/No: P(R) 227 / P / Vol.V

दिनांक/Dated:14.11.2022

All PHODs/ DRMs/ CWMs/ CEWE/ CAO/ CPM/ PDA/ Dy.CPOs/ Sr.DPOs/ Secy to GM,
Chairman/RRB/MAS,TVC, Addl.Registrar/RCT/MAS, Secretary/RRT/MAS,
Principal MDZTI/TPJ, SRCETC/TBM, ZETTC/AVD,
DPOs/SPOs/WPOs/APOs of HQ/Divisions /Workshops/Units.

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

A copy of Railway Board's letter No. E(D&A)2022 RG 6-7 dated 10.11.2022
on the above subject is enclosed for information guidance and necessary action.

Railway Board's letter dated 13.01.2000 referred therein has been issued as
PBC No. 24 / 2000, a copy of which is also enclosed for reference.

Encl.5 pages

**Deputy Chief Personnel Officer / Co-ord
For Principal Chief Personnel Officer**

Copy to: The General Secretary/SRMU
The General Secretary/AISCTREA
The General Secretary/AIOBCREA
The General Secretary/NFIR
IT Section/PB/HQ - to upload in the SR website.



**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.**

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).

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

FILE No. 7/2000

13.1.2000

No. E(D&A)99/RG 6-40

The General Managers(P),
All Indian Railways &
Production units etc.

Sub: Comments of the disciplinary authority on
the appeal under rule 21(3) to the AS(D&A)
Rules regarding.

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In the Departmental Council Meeting under the JCI Scheme, held recently on 30.11.99 and 1.12.99, the staff side had raised the issue relating to comments to be furnished by the Disciplinary Authority on the appeal in terms of Rule 21(3) of the AS(D&A) Rules and had expressed the view that these provisions come in the way and of a fair/impartial decision by the Appellate Authority.

Board, on consideration of the matter, have observed that the comments of the Disciplinary Authority on the appeal only intend to clarify the position on the various points raised by the appellant with reference to the orders of the Disciplinary Authority. These comments thereby facilitate consideration of the appeal by the appellate authority without putting the appellant to any disadvantage. However, it has to be ensured that, while forwarding appeals to the Appellate Authority, the Disciplinary Authority confines its comments to the points raised in the appeal without commenting on any extraneous circumstances on which the charged official has had no opportunity to explain his position. Board desire that the above directions be brought to the notice of all the authorities concerned on your railway for their guidance and strict compliance.

Please acknowledge receipt.

Inder Mohan
(INDER MOHAN)

Jt. Director Establishment(D&A)
Railway Board.

No. E(D&A)99/RG 6-40

13.1.2000

1. The General Secretary, AIR, 4-State Entry Road, New Delhi-110 055 (with 35 spare copies) with reference to item no. 43/99 of Departmental Council Meeting held on 30.11.99 & 1.12.99.
2. The General Secretary, NFIR, 3-Chelasford Road, New Delhi-110 055 (with 35 spare copies) with reference to item no. 43/99 of Departmental Council Meeting held on 30.11.99 & 1.12.99.

(Contd ...2/-)

3. All members, Departmental Council and National Council and Secretary, Staff Side, National Council, 13-A, Feroze Shah Road, New Delhi.
4. The Secretary General, Indian Railway Promotee Officers Federation, Room No. 258, Rail Bhawan, New Delhi.
5. The Secretary General, Federation of Railway Officers Association, Room No. 256-A, Rail Bhawan, New Delhi.
6. M/s Bahri Brothers, 742, Lajpat Rai Market, Delhi
PIN: 110 006, P.O.Box No. 2032.

[Signature]
For Secretary/Railway Board.

Copy to:

PPS/M.S., AM(S), PS/ELE, EDE(IR), JS(E), ED(PR),
E(O)I, ERE-1, ERB-D, ERB-V, Vigilance-1, E(Rep)-1,
E(Rep)II, E(Rep)-III, E(SC)I&II and E(G) and Branches
of Board's Office for information.
E(LR) Branch (with 60 copies)