

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

सं/No: P(R) 22 7 P / Vol.VI

दिनांक/Dated: 04.01.2023

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: Inquiry under Railway Servants (Discipline & Appeal Rules), 1968 –  
Appointment of Inquiring authority ; clarification.

\*\*\*

A copy of Railway Board's letter E(D&A)2022 RG6-12 dated 27.12.2022 on the above  
subject is enclosed for information, guidance and necessary action.

Extract of Railway Board's letter dated 19.06.1974 referred therein is enclosed for  
ready reference.

Encl: 4 pages

  
उपमुकाधि/समन्वयन/Deputy Chief Personnel Officer/ Co-ord.

कृते प्रमुकाधि/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 RG6-12**

**New Delhi, 27/12/2022**

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

**Sub: Inquiry under Railway Servants (Discipline & Appeal Rules), 1968-Appointment of inquiring authority; clarification.**

A mechanism for review of the appointment of Inquiry Officers in a disciplinary proceeding on the grounds of bias was put in place vide this Ministry's letter No. E(D&A)70 RG6-14(1) dated 19.06.1974.

2. Of late, instances have been brought to notice suggestive of a tendency where the charged Railway servants initially participate in the proceedings conducted by the Inquiry Officers and thereafter at a subsequent stage, including the stages approaching the finalization of the inquiry, make representations against some or other of the decisions taken or orders passed by the Inquiry Officer in the course of the inquiry, and terming the same as an allegation of bias quoting the instructions dated 19.06.1974. The grounds raised for alleging bias include the orders/decisions of the inquiring officers not allowing the additional documents demanded by the charged officer, not allowing the defence witnesses as requested by the charged officer, not accommodating the venue and the dates of the hearings as demanded by the charged Railway servants, disallowing the questions asked by the defence side to a witness etc., all of which stand barred from being appealed against under Rule 17(iii) of the Railway Servants (Discipline and Appeal) Rules, 1968. Application of the instructions dated 19.06.1974 to such representations leads to undue prolongation of the proceedings besides interference of the revisionary authority on merits of the case at a wholly premature stage. There is a need to curb this tendency and concern has been expressed by the Central Vigilance Commission also in this regard.

3. To recall, the Railway Servants (Discipline and Appeal) Rules, 1968 do not contain an explicit provision for making of a representation by a charged Railway servant against the appointment of an Inquiry Officer on grounds of bias and, therefore, it was considered appropriate to issue the aforesaid instructions dated 19.06.1974 in order to ensure that a person having a cause or an interest in the case is not appointed as the inquiry officer which, if done, would not only compromise the fairness of the conduct of the inquiry but would also amount to denial of the reasonable opportunity of being heard to the charged Railway servant. It goes without saying that these instructions were neither intended nor can be allowed to be interpreted in a manner as would render redundant the other provisions including the provision contained in Rule 17(iii) of the Railway Servants (Discipline and Appeal) Rules, 1968, which, in turn, also ensure that the appellate/revisionary authorities do not intervene in the proceedings on merits until final orders are passed by the Disciplinary Authority. The statutory scheme has already provided an avenue to the charged Railway servants to make submissions on the Inquiry Officer's report under Rule 10 thereof.

4. The instructions dated 19.06.1974 envisage that a charged Railway servant, if he has reasons to form an opinion that the person appointed as the inquiry officer is already possessed with a such a prejudiced mind that a fair conduct of inquiry cannot reasonably be expected of him in the case, would raise an allegation of bias immediately on receipt of the order of his appointment the inquiry officer. Raising of an allegation after having participated in the inquiry conducted by the very same person as inquiry officer not only indicates acquiescence on his part with the appointment of the said person as the inquiry officer but also reduces his allegation to a representation of convenience emerging from an after-thought arising out of an apprehension that the inquiry is not proceeding in his favour and thus not worth consideration.

5. In order to curb the aforementioned tendencies and to ensure that the instructions dated 19.06.1974 are invoked only for the intended purposes and not for unduly prolonging and protracting the proceedings, it is clarified that:

- (i) The said instructions would apply only to those representations of the charged Railway servants which contain the grounds of pre-existence of bias in the mind of the person at the time of his appointment as the Inquiry Officer.

- (ii) The said instructions would not apply to the representations made by the charged Railway servants on grounds based on the actions and decisions taken and orders passed by the inquiry officer during the conduct of the inquiry as it violates the provisions contained in Rule 17 (iii) of the Railway Servants (discipline and Appeal) Rules, 1968 and invites the revisionary authority to intervene in the proceedings before its finalization by the disciplinary authority.
- (iii) Representations against the appointment of a person as the inquiry officer on grounds of bias should be made by the charged Railway servants immediately after receipt of the order of appointment of the Inquiry Officer by them. In case such a representation is made at a later stage after having participated in the inquiry, the charged Railway servant must disclose the reasons as to why it was not made immediately after the receipt of the order of his appointment as the inquiry officer and a failure in such disclosure would preclude the representation from consideration under the said instructions on the presumption that he has acquiesced with the appointment of the person as the inquiry officer.



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

**Copy to:**

E(O)I, ERB-I, ERB-V, ERB VI, Security(E) and Vigilance -I Branches of Board's Office.

Sub: Enquiry under the Discipline and Appeal Rules - Appointment of Inquiring Authority.

1. One of the items considered by the National Council set under the scheme of Joint Consultation and Compulsory Arbitration was a proposal from the Staff Side that the disciplinary enquiry as a rule, should be conducted by a person who should be free from all influences, official or otherwise, of the disciplinary authority and that if a representation is made by a delinquent employee against the appointment of an Inquiry Officer, on ground of bias and his representation is rejected by the Disciplinary Authority, it should be open to him to prefer an appeal against the orders of the Disciplinary Authority to the Appellate Authority.
2. The matter was discussed and ultimately, it was agreed that though there was a provision in the Discipline and Appeal Rules for filing an appeal against the order appointing a person as an Enquiry Officer, in a disciplinary proceeding, such an order could, nevertheless, be reviewed under the said rules, it was accordingly, decided that whenever an application is made by a railway servant, against whom disciplinary proceedings are initiated under the Railway Servants (Discipline and Appeal) Rules, 1968; against the Inquiry Officer, on grounds of bias, the departmental proceedings should be stayed and the application of the delinquent along with the other relevant material, forwarded to the appropriate revising authority specified in rule 25 of Railway Servants (Discipline and Appeal) Rules, 1968 for considering the application and passing appropriate order thereon expeditiously.
3. The Board Desire that all the Disciplinary Authorities may please be advised accordingly and it be also impressed upon them that departmental enquiries should, as far as possible, be entrusted to the regular Enquiry Officers holding the posts where specifically created for conducting such enquiries. In cases, however, due to unavoidable reasons, the inquiries have to be entrusted to officers other than regular Enquiry Officers, it should be ensured that the officer concerned, are of appropriate rank and are fully conversant with the disciplinary procedure. Such officers may also be relieved of their normal duties to such an extent as may be necessary for expeditious completion of the inquiries and for submission of their reports.