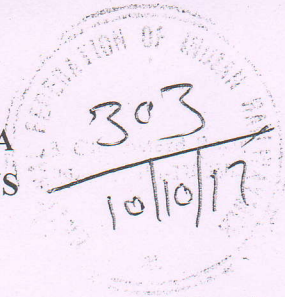


GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RAILWAY BOARD



Dated: 22.09.2017

No. E(D&A)/2017/RG6-21

The General Secretary  
National Federation of Indian Railwaymen,  
3, Chelmsford Road,  
New Delhi-110055

**Sub: Rule 14(ii) of Railway Servants (D&A) rules, 1968- Following of proper procedure regarding**

Sir,

I am directed to refer to the Federation's letter no. II/5/Part III dated 06.09.2017 on the above subject and to state that instructions regarding Rule 14(ii) of RS(D&A) Rules, 1968 have been issued vide letter no. E(D&A)/2017/RG6-21 dated 18.09.2017, a copy of which is enclosed herewith for your ready reference.

DA: As above.

Yours faithfully

For Secretary Railway Board



NATIONAL FEDERATION OF INDIAN RAILWAYMEN (N.F.I.R.)  
3, Chelmsford Road, New Delhi

No. II/5/Part III

Dated: 14/10/2017

Copy forwarded to the General Secretaries of affiliated Unions of NFIR for information and vide publicity. Copy of NFIR's letter dated 06/09/2017 and consequent Board's instructions issued vide letter dated 18/09/2017 are also enclosed for conveying to the Railway employees down the line in the field.

C/: Media Centre/NFIR.  
C/: IRW.

(Dr M. Raghavaiah)  
General Secretary



**GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)**

**No. E(D&A) 2017 RG6-21**

**New Delhi, 18.09.2017**

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

**Sub: Rule 14(ii) of Railway Servants (D&A) Rules, 1968 -  
Following of proper procedure regarding**

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Rule 14(ii) of the Railway Servants (Discipline and Appeal) Rules, 1968, which emanates from the provisions contained in clause (b) of the second proviso to Article 311 (2) of the Constitution of India, lays down special procedure for imposition of penalties in situations where the disciplinary authority is satisfied, for reasons to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules.

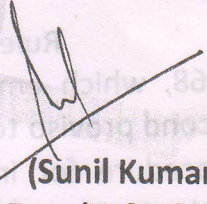
2. The scope and ambit of the special procedure under the aforesaid Rule 14(ii) and the protections embodied therein for the Railway servants have been explained in Circulars issued by this Ministry from time to time. It is to be noted that (i) the conditions precedent to application of the aforesaid special procedure, (ii) the action taken thereunder being subject to judicial review and (iii) permissibility of the claim by the penalized person for holding of inquiry at the stage of appeal, revision etc, have been explained in paragraphs 6, 7 and 8 respectively of Department of Personnel & Training OM No. 11012/11/85-Estt(A) dated 11.11.1985 as circulated vide this Ministry's letter No. E(D&A) 85 RG6-72 dated 06.02.1986. A Note regarding some of the important points to be borne in mind while taking action under the aforesaid Rule 14(ii) and specimens of speaking order and notice imposing penalty thereunder were also circulated vide this Ministry's letter no. E(D&A) 85 RG6-72 dated 06.10.1988. Further thereto, the requirement that the reasons recorded by the Disciplinary Authority for dispensing with the inquiry should be supported by objective facts and/or independent material, was emphasized vide this Ministry's letter no. E(D&A) 92 RG6-48 dated 06.04.1992.

3. Notwithstanding above, instances of non-adherence to the aforesaid instructions/clarifications have been brought to notice of this Ministry.



4. In view of above, the afore-mentioned instructions/clarifications are emphatically reiterated. All Zonal Railways/Production Units etc. are directed to bring it to the notice of the disciplinary/appellate/revisory authorities that, whenever it is proposed to invoke action under the aforesaid Rule 14(ii), it is imperative that all the instructions mentioned above in this regard are followed scrupulously so as to ensure that the action is not found wanting in compliance of:

- (i) the mandate under the clause (b) of the second proviso to the Article 311 (2) of the Constitution of India,
  - (ii) of the provisions contained in the aforesaid Rule 14 (ii), and
  - (iii) of the related subsidiary instructions/clarifications.
5. Hindi version will follow. Please acknowledge receipt.

  
(Sunil Kumar)  
Director Estt. (W&D&A)  
Railway Board

© National Federation of Indian Railwaymen (N.F.I.R)  
3, Chelmsford Road, New Delhi.

No. II/5/Part III

Dated: 19/09/2017

Copy forwarded to the General Secretaries of affiliated Unions who may connect General Secretary/NFIR's letter No. II/5/Part III to the Chairman, Railway Board.

The affiliates are also advised to take up the cases of victimization of staff invoking Rule 14(ii) wrecklessly by the authorities without caring to give opportunity to staff to defend their innocence.

  
(Dr. M. Raghaviah)  
General Secretary



# N F I R

Registration No. : RTU/Ann/31/2012



## National Federation of Indian Railwaymen

3, CHELMSFORD ROAD, NEW DELHI - 110 055

Affiliated to : Indian National Trade Union Congress (INTUC) &  
International Transport Workers' Federation (ITF)

No. II/5/Part III

Dated: 06/09/2017

**The Chairman,**  
Railway Board,  
New Delhi  
Dear Sir,

Sub: Summary removal of Railway employees invoking Rule 14 (ii) of Railway Servants (Discipline and Appeal) Rules 1968 – Staff resentment on the increase-reg.

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You are aware that the NFIR has the track record of extending cooperation and support to the Railway Management for improving efficiency levels and maintaining industrial relations. NFIR has never lagged behind in assisting the system all times.

The recent happenings and consequent summary dismissal of staff belonging to erstwhile Group 'D' categories as well Group 'C' staff without giving them an opportunity to defend and prove innocence has been causing disappointment among the staff in general.

You would agree that the erstwhile Group 'D' staff as well lower Grade Pay Group 'C' staff perform duties under the directions and command of highest Officials. When such staff are sacked summarily under Rule 14 (ii) of Railway Servant (Discipline and Appeal) Rules, 1968, an atmosphere of demoralization has set in among the rank and file of Rail Workforce who perform duties facing several hurdles in the field.

NFIR, therefore, requests you to kindly look into the above new situation and arrange to take remedial steps to enhance the morale of field staff on Indian Railways.

Yours faithfully,

  
(Dr. M. Raghavaiah)  
General Secretary

Copy to the Member Staff, Railway Board, New Delhi for information and necessary action please.

Copy to the Director General (Personnel), Railway Board, New Delhi for information and necessary action please.

Copy to the General Managers of Indian Railways for information and necessary action please.

Copy to the Executive Director (IR), Railway Board, New Delhi for information and necessary action please.

Copy to the General Secretaries of affiliated Unions of NFIR.  
Media Centre/NFIR.

File No. II/34/Part 16.