CHAPTER - VIII

SERVICE CONDUCT AND DISCIPLINE

Every organisation has its laws, rules and regulations governing the conduct of its employees. N.F. Railway, being a large organisation with about 88,500 employees in its pay roll, rules have been framed for maintenance of discipline and conduct of its employees throughout their services with this railway. N.F. Railway being a Zonal Railway is guided by Railway Services (conduct) Rules (1966) which were promulgated in 1966 embodying a list of 'DO's and 'DON'Ts, guiding the conduct of all railway servants. Some of the items of this list are appended:

1. General - Every railway servant shall at all times - (a) maintain absolute integrity - (b) maintain devotion to duty and (c) do nothing which is unbecoming of a railway Govt. servant.

2. No railway employee shall be a member of or be otherwise associated with any political party or any other manner organisation which takes part in politics nor shall be take part in, subscribe in aid of or assist in any other manner political movement or activity. He will also endeavour to prevent any member of his family to associate with any movement of activity which is or tends directly or indirectly
to be subversive of the Govt. But our observation in this respect gets a gloomy picture as many a railway staff (and their relatives also) in some way or otherwise entangles with activities subversive of the Govt. and the F.F. Railway Administrative hand cannot even reach to that point for obvious reason. Similar rules are there in the F.F. Railway but no proper machinery is there through which these can be controlled.

Further, the rule provides—no railway employee shall canvass or otherwise interfere or use his influence in connection with or take part in, an election to any legislative or local authority excepting exercise his right to vote, as per provision of the Indian Constitution. He has got no right to criticise Govt. nor he is permitted to join or continue to be a member of an association or organisation—the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality.

A long order of rules provided (not all of them mentioned in this chapter) as per Railway Services (Conduct) Rules 1966—which perhaps, perfectly elaborated in the book or Code, but has little scope to observe them in the practical field by the Administration. It is not that the rules are not followed, rather they do
not focus at all or happen to be occurred in a shadow of closed eye of the Administration.

As for Railway servants (Discipline and appeal) Rules 1968, which has been enforced from 1st October, 1968 are needed to be (amended later in 1978 and latest in 1980) implemented for many a time employees violate these rules and therefore action against them is to be taken. It is seen that the general causes of the breach of discipline in the railways are -

(1) In-attention to duty - tardiness, laziness, carelessness, breakage or loss of railway property etc.
(2) Inefficiency.
(3) Insubordinations, violation of law or regulation, disloyalty,
(4) Intoxication, (5) immorality (6) lack of integrity including violation of a recognised code of ethics, failure to pay debits, soliciting or accepting a bribe or deliberately neglecting to enforce the law. These rules apply to every railway staff except -

(a) any member of all India Services.
(b) any member of the Railway Protection Force as defined in RPF Act 1957.
(c) Any person in casual appointment.
(d) Any person for whom special provision is made in respect of matters covered by these rules,
by or under any law for the time being in force
or by or under any agreement entered into by or
with the previous approval of the President
before or after the commencement of these rules
in regard to matters covered by such provisions. 

Apart from the above - the President may, by order
exclude any class of Railway servants from the operation
of all or any of these rules. These rules do not
apply to Govt. servants temporarily transferred to railway
service. But provisions are there that action against
them can also be taken under these rules by the Railway,
in terms of Rule 16. The apprentices of the
Railway also do not come in the purview of these rules.
In the P.F.Railway the D.A.R. takes a long formal process
of circumlocution to be implemented in case of the
staff found guilty.

Disciplinary action (means punishment meted out to
railway servants for lapse of duties or violation of the
rules of conduct) may be informal or formal. Informal
disciplinary action does not result in overall punishment,
but conveys to the guilty railway servant the displeasure
of his superior through cold relations, reassignment of
less desirable work, closer supervision, loss or witholding
privileges etc. Such action is taken where the offence

(1) Rule 3(1) - Railway Servants D&A Rules, 1962
(2) Rule 3 (2) - Ibid
(3) Rule -16 Ibid.
of the employee's is too subtle to be proved. But, as it is apparent in the P.F.Railway system - those type of informal action has no or little impact on the railway employee's who might be happy to be relieved of future responsibility. Formal disciplinary action is initiated or ordered for the offence of the railway employee's are proved through the distinct process of the D.A.R. The punishments, which vary with the offences and situations (under DAR) includes the following-

Minor penalties - (These penalties have been elaborated elsewhere in this chapter).

1. Censure

2. Withholding of increments (cumulative or non-cumulative) or promotion, including stoppage at the efficiency bar, stoppage of railway privileges pass or privilege ticket orders.

Major penalties - (These penalties have been elaborated elsewhere in the chapter).

3. Reduction to a lower post or time scale, or to a lower stage in a time scale or loss of seniority.

4. Recovery from pay of the whole or part of any pecuniary loss caused to Govt. by negligence or breach of orders or rules.

5. Suspension (though it is not a punishment)

6. Removal or dismissal from service which ordinarily disqualified from future employment in the Railways.
Some other forms - which disciplinary action taken are - Warning, adverse remarks/entry in the employees service record, fines, compulsory retirement with reduced pension etc. In every serious case of offence - criminal prosecution of the offender may also be launched.

The Railway servants D&A Rules, 1968 have tried to lay down the procedures so as to ensure compliance of the principles of the natural justice.

(a) A person must not be the judge of his own case,
(b) A person must not be condemned unheard of
(c) The decision must be made in good faith.

On the above analysis, the railway processes the cases of offence of railway servant giving the proper scope and chance to be heard of before initiating or implementing action against them. The principles that are observed by the railway Administration are -

(1) Every person whose civil rights are affected, must have reasonable notice of the case he has to meet. That is, notice is to be served to the employees stating the definite allegation brought against him and narrated the evidence and of the accusation as well as testimony against him.

(2) The accused is given the chance of reasonable opportunity to be informed, to comment and criticise the testimony and accusation against him. What is 'fair
opportunity' - depends upon facts in each case, where such opportunity has been given, it cannot be demanded that the procedure as in courts should be followed. No material against an employee is relied upon against the employee without giving an opportunity to explain.

(3) The hearing is done by an impartial tribunal, and

(4) Decisions are made in good faith, means that, the tribunal must act impartially and honestly. It must make its mind and not to substitute for its decision the opinion of someone else.

By analysing the above, it appears that before initiating and subsequent implementation of action against a railway servant for any offence, he must be given -

(a) a fair and reasonable opportunity (1) to defend himself.

(b) the official entrusted to enquire must discharge his duty without bias and vindictiveness.

(c) the official must be dispassionate and impartial not only in enquiry procedures, but also while dealing with the evidence and the material or record when drawing up the final order; and

(d) The conclusion must be based on evidence and not on misreading of the evidence or on matters outside the records.

(1) This is consistent with the provision of Article 311(2) (b) of Indian Constitution.
But a question may arise, whether all these factors can provide adequate justice to the person alleged for a minor allegation or not. Obviously the answer is in the negative, because to the railway administration, for a minor allegation, no such long procedure is necessary since rules are there to take proper action for such offence.

It appears that the Railway Servants Disciplinary and Appeal Rules, 1968 have tried to lay down some detailed procedures so as to ensure compliance of principles of Natural Justice.

So far as punishment is concerned, this can only be initiated by the proper authority of the railway administration, who are empowered as per rule provided in the D&A Rules 1968. The authorities have been identified by whom the action can be initiated, punishment may be imposed for various offences of the railway servant by the following –

(a) Appointing authority
(b) Disciplinary authority
(c) Appellate authority
(d) Reviewing authority
(e) Authority to institute proceedings.

Any officer or different officer belonging to (b) to (e) above may act as an authority as per schedule
of power for various offences. A brief clarification to this contention is appended:

**Appointing authority** - for the purpose of removal/dismissal/compulsory retirement from service of the Railway servant, shall be the authority that appointed the railway servant in the initial post on the railways. Or the authority that appointed the Railway servant in the post currently held by him or the authority that appointed the Railway Servant at any point of time in any post in between his initial appointment and his last appointment held at the time of punishment imposed.

Disciplinary authority means (a) the authority competent to impose a Major penalty to a non-gazetted railway employee whom he can give appointment.

b) In case of Class II gazetted employees, the General Manager is the competent disciplinary authority to impose a Major penalty.

c) The President of India is, however (in consultation with the U.P.S.C.) disciplinary authority for imposition of Major penalty to Class I gazetted railway servant. It is however, the President, who may impose any of the penalties specified in the rule on any railway servant.

**Appellate Authority - D&A Rules, 1968** is one to whom the punishing authority is immediately subordinate. That means, the immediate superior authority to whom an appeal can be
made in respect of an order of punishment given by the disciplinary authority. Provided that, in a case where the authority is the Railway Board, the appeal shall be dealt with by any Member of the Railway Board, who has not made the order appealed against.

Reviewing authority means (a) the President, (b) the Railway Board or (c) the General Manager of the Zonal Railway or an authority of that status in any other Railway Unit or administration in the case of a railway employee serving under its control or (d) any other authority not below the rank of a Deputy Head of the department or a Divisional Railway Manager/Superintendent in the case of a railway servant working under its control i.e., in the division.

Authority to institute proceedings - the President or any other authority empowered by him by general or special order, may (a) institute disciplinary proceedings against any railway servant; (b) direct a disciplinary authority to institute proceedings against the Railway servant on whom that disciplinary authority is competent to impose, under these rules any of the penalties specified under the rule (Rule 5 of D&A Rules, 1960).

Now, what is apparent in the R.F. Railway system is that, the disciplinary proceedings against an employee can be instituted and finalised by an authority
under whose administrative control the employee is working (Keeping in view the powers vested with such authority in this respect). It is observed that, there is the objection for the authorities of a particular wing of the Railway to exercise such powers over the staff for violating rules/instructions administered by that wing. As for example - disciplinary proceedings against a Station Master or Assistant Station Master belonging to Transportation (Traffic) or Commercial Department can be initiated and finalised by an officer of either of the wings of that department viz - Commercial or Operating Wing depending on the nature of the offence/irregularity for which action is called for. It was (in course of study) seen that, in Northern Railway, it was decided that Personnel Officers are competent to take disciplinary action against personnel or non-personnel branch staff, involved in irregularities concerning purely personnel matters e.g. violation of Railway Service Conduct Rules etc.

Before instituting disciplinary proceedings against an employee - the disciplinary authority, generally, should consider whether a prima facie case exists. The next point for decision is, whether the proceedings should be on the basis of Major or minor penalty for definite charges of offence against the
staff concerned. But action to initiate disciplinary action for imposition of major penalty and to issue charge sheet in the case of a non-gazetted staff, can only be taken by an authority competent for that purpose. A charge sheet for imposition of a minor penalty on a non-gazetted staff can be issued by an authority who can impose any of the penalties under rule 6 (D&AA rules, 1968).

Generally, before imposing a penalty on a railway servant, charges against him should be framed and communicated to him in a standard prescribed form in duplicate to enable him to retain one copy and returning the other with his reply. Even if an employee admits his guilt, the issue of a charge sheet is obligatory before a penalty is imposed. As it is apparent in the L.R. Railway system, standard forms are also required to be issued while communicating orders of suspension, for revoking suspension, nominating of presenting officer, appointing enquiry authority, communicating or imposing a penalty on a railway staff etc. Orders are generally issued over the signature and designation of the authority himself competent to pass the orders. If, however, a railway employee present in the office and refuses to accept an order/notice or evades its service the fact of his refusal etc. are recorded in writing and signature of the witness in whose presence the order/notice is attempted to be served on him, taken in support of such attempt. In case of absence of the employee, the order notice is sent to him by registered A.D. post at his
last known address. The Order/notice is deemed to have come into effect from the date of acceptance thereof, unless it specified a subsequent date. If returned undelivered by postal authorities with the endorsement, such as 'Addressee not found', etc. it is pasted on the Notice Board of the Railway premises in which the employee was working last and as well as in a place, in the last noted address of the railway employee. In such case, the order/notice is to be deemed to have come into effect from the date of issue. But where the last noted address of the employee, who proceeded on leave in a distant town/village, the question of passing the notice in that place does not arise.

No order imposing any of the penalties specified in those rules can be made, except after holding an enquiry. If the disciplinary authority is of the opinion that there are grounds for inquiring into the facts of any imputation of misconduct or misbehaviour against a Railway employee, the authority may inquire into or appoint a Board of enquiry. When it is proposed to hold inquiry by the authority himself, he shall have to draw up the-

a) substance of the imputations of misconduct or misbehaviour in definite and distinct articles or charges.

b) A statement of the imputations of misconduct or misbehaviour in support of each article or charge, containing a statement of relevant

(1) Rly.Board's letter No.E(D&A) 69 RG-6-20 dt. 19-11-71
(E/Ruling Section, Malirnon.)
facts including any admission or confession made by the railway staff. A list of documents by which, a list of witnesses by whom, the articles of charge are proposed to be sustained.

c) The disciplinary authority shall deliver or cause to be delivered to the concerning railway employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained. The railway servant shall be required to submit a written statement of his defence within ten days, if he does not require to inspect any documents for the preparation of his defence. And if he requires to inspect any documents he must do so within ten days after completion of the inspection, of documents and to state his desire to be heard in person.

The railway servant, on his part as a measure to preparing his defence can (a) inspect and take extracts from the documents specified in the aforesaid list within five days of the receipt thereof or within such further time (not exceeding five days) as the disciplinary
authority may allow; (b) submit a list of witnesses to be examined on his behalf; (c) give a notice within ten days on receipt of the list of documents referred to above, for inspection of any other documents, which are in the possession of railway administration - but not mentioned in the list referred to above. He shall have to indicate the relevance of the documents required by him for inspection.

The railway servant can present his case with the assistance of any other railway servant employed on the same Railway (i.e., R.F.Railway) administration on which he is working. He may also be allowed to take the assistance of a retired railway employee of the same railway, provided, the retired employee is not a legal practitioner and should not have more than 3 cases in hand. From the R.F.Railway record it is noticed that, most of the non-gazetted staff take the assistance of an official of recognised Railway Trade Union (who is also a railway employee). But nomination of the assisting railway servant or the Trade Union official is not accepted by the authority, if he has more than two pending disciplinary cases. After the nomination is accepted and the inspection of documents and other necessary steps preliminary to the inquiry are completed, a date is fixed for the inquiry.
The witnesses are examined by presenting officer and cross examined by or on behalf of the railway servant. On scrutinising the disciplinary cases, it may appear that the matter has been finalised by taking as little time as possible, considering the nature of case. But in actual practice, it takes maximum time for finalisation a case and action initiated against the person concerned. In some of the department of I.F. Railway cases continued for a long (even more than a year in some cases) for this or that lapses from both the side i.e. disciplinary authority and the staff concerned. According to Model time schedule laid down by the Railway Board (1).

The maximum time by which inquiry to be completed and report submitted is 60 days and the time by which the disciplinary authority should take final decision and issue notice of imposition of penalty is 20 days only (2). But in the 'Railway Servants D&A Rules (1968)' no specific time limit has been laid down, except allowing one months maximum time for the finalisation.

At the commencement of the inquiry, the charges against the accused, which are being inquired into is

(1) Rly.Board's letter No.E(D&A)69-RGF-17 dt. 0-1-71 - can be seen in E/Ruling section of P/Br.Railway.

(2) Ibid.
read out and explained to him of each charge which has not been admitted. The charges and the reply of the accused thereto is recorded and the procedures therewith stage by stage mentioned below in brief -

(a) Documentary evidence and witnesses produced by or on behalf of the disciplinary authority is firstly taken up for consideration. The witnesses may be examined by the presenting officer, if any, and may be crossed examined by or on behalf of the accused employee. (It has been a general practice to appoint presenting officer only in case of Gazetted Officers in the above enquiries. There is no objection to the appointment of presenting officer by the competent authority in exceptionally difficult cases, where departmental action is initiated against non-gazetted staff of the railway). The inquiry authority may also put questions to the witnesses, relevant to the case as deemed fit. It is observed that, the witnesses are warned by the inquiring authority that they render themselves liable to disciplinary action for any false evidence or statement and a certificate to that effect is recorded and signed by the witnesses.
(b) All the evidence in support of the charges as well as any evidence, which the accused may adduce in his defence including the statements of defence witnesses are recorded in the presence of the accused. Representations, submissions and objections made by the accused or his defence helper and the decisions thereon are also recorded in the proceedings.

(c) The inquiring authority, may, after the railway employee closes his case - question him on the circumstances appearing against him in the evidence for the purpose of enabling the railway employee to explain his saying against the evidence of circumstances.

(d) If, however, the inquiring authority comes to the conclusion that the accused employee is evading to take part in the proceedings or his requests to adjourn the hearings are not bonafide, the case may be proceeded with the inquiry ex-parte after recording the reasons in writing.

(e) The inquiring authority - after completion of the production of the evidence and other formalities, may permit the accused employee to file a written brief of his case, if he desires so. Final representation is submitted
in the light of the evidence tendered during the inquiry and this is recorded as a part of the proceedings of the inquiry.

f) Each page of the proceedings are to be signed by the inquiring authority and the accused employee. The witnesses also sign on the pages where their statements have been recorded.

The above, in brief, are the stages of inquiry by the disciplinary authority in a particular case. But, all the above formalities are not observed by the inquiring authority on all the cases - rather some of them are observed considering the nature of the cases. Yet, in almost all cases - after the conclusion of the inquiry, a report has to be prepared by the inquiring authority and submitted to the disciplinary authority for taking necessary action.

In case of discrepancy in the findings of the inquiring authority, the option open to the disciplinary authority are -

1) In the case of disagreement with the inquiry authority on any article of charge - it may record the reason of disagreement and its findings on such charge.

2) Having regard to its findings on all or any of
the articles of charge and on the basis of the evidence the disciplinary authority adduced during the enquiry - the disciplinary authority is of the opinion that any of the major penalties should be imposed on the servant it may order imposing penalty without giving any opportunity to that employee of making representation on the penalty proposed to be imposed.

It is noticed further - imposition of a penalty is not automatic and each case is examined on its merits. Where it is decided to take departmental action, a penalty is imposed on the railway employee straightaway on the ground of his conviction on a criminal charge and it is not even felt necessary to issue a charge sheet on the employee. A special procedure in certain cases, is being adopted where inquiry is not deemed necessary by the Railway administration. The cases are -

(i) If the disciplinary authority is satisfied, for reasons to be recorded by it in writing that it is not practicable to hold an inquiry in the manner provided in these rules;

(ii) The President is satisfied that in the interest of the security of the state, it is not expedient to hold an inquiry in the manner provided in these rules;
When a charge/charges are accepted by the accused employee without any qualification (although rare in practice). Penalties are imposed after observing the prescribed procedure according to the nature of offence. These are -

(i) **CENSURE** - The first is censure. Its record is kept on the confidential roll of the officer and obviously has its bearing on assessment of merit for promotion.

Censure is more than a warning. Warning is only an informal communication (verbal or writing) of admonition or remand, without following any set procedure, not intended to be a punishment by the competent authority awarding it. Censure is not warning. It can debar one's next promotion.

(ii) **WITH-HOLDING OF PROMOTION FOR A SPECIFIED PERIOD**

This is an action against a railway employee of the imputations of misconduct or misbehaviour while on duty or any other offence - detriment to the administrative interest. It has been clarified that, with-holding of promotion cannot be permanent by its very nature. It has to be for a specified period to be laid down by the disciplinary authority while passing orders, on the merit of each case. But there is no objection to promote a railway employee from Class IV to Class III (i.e. 'C' Class
to 'C' Class), within class III and from Class III to Class II, even when he is facing minor penalty proceedings. In view of the above - if an employee is promoted during that period, the penalty of withholding promotion cannot be imposed on conclusion of the minor penalty proceedings as a rule. As such, to the extent possible - the disciplinary authority ensure that the proceedings are finalised before the turn of promotion comes with a view to obviate this bar (1).

(3) RECOVERY FROM PAY THE WHOLE OR PART OF LOSS CAUSED TO RAILWAY BY NEGLIGENCE OR BREACH OF ORDERS.

Every railway servant is expected to take due care of the railway property entrusted to him, to save it from loss/damage, to observe all instruction issued towards that end, and to take prompt measure to resuscitate the loss/damage - if it occurs during his duty period despite all precautions. The railway can recover the amount of loss caused to its full extent irrespective of the amount involved. Before issuing order of recovery - the disciplinary authority is to see that -

(a) the accused Railway employee is given reasonable opportunity to represent his case;
(b) the loss is ascertained in the pecuniary terms;
(c) it is attributable to his negligence/breach of orders.

(1) This clarification has been given in Rly.Board's letter No. E/D&D 77-RG-6 dt. 23-12-78 can be seen in Rly/Brach of M.F.Rly., Maligaon.
This 

punishment cannot be imposed upon an employee governed by payment of wages Act, unless it is proved that —

i) the goods/money were expressly entrusted to the Railway servant and (ii) in case of loss of money, he was required to account for the money.

Even though recovery of loss is also a minor punishment, it is open for the disciplinary authority to impose another punishment along with the recovery of loss under the same order.

(4) WITHOLDING OF PREVILEGE PASSES / TICKET ORDER

This penalty is imposed upon a railway employee not only in case of infringement of pass rules, but in other cases of offences also.

(5) WITHOLDING OF INCREMENTS — By this punishment the railway employee loses monetarily from his usual pay or salary for a certain period for any act of omission or commission detriment to the normal office procedure. Imposition of this penalty can only be operative in respect of an increment to which the employee has not become entitled on the date of such order. Increment of an employee, normally is not withheld permanently, but the effect of their withholding may be temporary or permanent e.g. non-cumulative or cumulative
and in no case the period be lesser than 3 months.

Then observe that increment of an employee has been stopped for a long period, as disciplinary action for a minor penalty. Usual DHR inquiry was held by the disciplinary authority for serious offence and increment were held -

(a) for a period of 3 years and above
(b) for any period with a cumulative effect, or
(c) so as to effect adversely the amount of pension or special contribution to Provident Fund of the Railway employee.

Withholding of increment in higher officiating grade for any act of omission or commission while working in that grade, shall not affect increment in the lower substantive post, unless specifically ordered by the disciplinary authority.

Seniority and promotion cannot be affected while the penalty is effective. But it is noticed that promotion of the employee is permissible, since the penalty starts from the next date of increment due.

Major penalties - that are imposed for serious offence of the staff detrimental to the Administrative as well as public interests are -

1. REDUCTION TO A LOWER STAGE IN THE TIME SCALE OF PAY FOR A SPECIFIED PERIOD: (with further direction as to whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments of pay).
This punishment is given to the employee for certain offence after formal inquiry, indicating the date from which it will be effected and the period of operation; the stage in the time scale (i.e., in terms of rupees) and the extent of period (i.e., in terms of year, months etc.).

2. **REDUCTION TO A LOWER POST OR TIME SCALE**:

It is imposed for certain serious offence of the railway employee for a specified period after due inquiry, indicating the date of effect, period and extent of such punishment (in terms of year, month etc.). This punishment may be ordered to continue for an indefinite period depending upon the discretionary power of the competent authority. It is also fully depending upon him to repromote the employee in future. This needs to be clarified in brief. Suppose 'A' is reduced to the lower post of 'X' (as he was found unfit for the post 'A') by the disciplinary authority for an indefinite period. Obviously 'A' is to continue in the 'X' post until the competent authority declared him fit for the higher post after a specific period. It is not uncommon in the C.F. Railway and cases are there, staff reduced to the lower post permanently or continued for years together and could not restore the original post during his service period. The question of restoration arises after a specified period of such punishment, when appealed by the employee to the competent authority (not necessarily the disciplinary authority) for consideration.
3. SUSPENSION : Apparently this is not a punishment - yet which is almost common in the railway, imposed on the staff - though it has not been defined in the Railway rules. So far it has been clarified in common parlance with a meaning to keep one away from his position for the time being. The dictionary (Oxford) meaning of 'Suspension' means 'action debarring or state of being debarred, specially for a time, from a function or privilege temporary deprivation of one's office or position...'. Thus, in Railway, an employee is known to have been suspended, when he is kept deprived to perform his duties as per his position, in terms of orders from the authority competent to issue such order, but, by suspension one does not lose his job or suffer any degradation.

Generally a railway servant may be placed under suspension by the competent authority as per rule. In the following cases a railway employee may be placed under suspension (as noticed in the N.F.Rly. system):

"(a) When a disciplinary proceeding is contemplated
or is pending against him or
(b) when he has engaged himself in activities
prejudicial to the interest of the security of the state, Or
(c) where a case against him in respect of a criminal proceeding is under investigation, inquiry or trial"
(under Rule -5(1). The suspension order, as it is noticed, may be revoked or modified at any time by the same authority or by any higher authority.

An employee under suspension, is entitled to payment called 'Subsistence Allowance' - which is equal to the leave salary that an employee would have drawn if he had been on leave on half average pay or on half pay and dearness allowance, if admissible. Provided, where the period of suspension exceeds 12 months - the competent authority may at his discretion, vary the amount of subsistence allowance for any period subsequent to the period of the first 12 months on certain conditions.

It is further noticed that, in certain categories of posts, where minimum period of service is prescribed for promotions from one grade to the higher grade, a railway servant may not be able to put in the prescribed minimum period of service due to non-promotion for being under suspension or his conduct being under investigation. In such a case if an employee is fully exonerated and his suspension is held as wholly unjustified - the period is reckoned towards the minimum period of service for the purpose of determining his eligibility for promotion to the higher grade.

(1) Suspension is discretionary upon the competent authority, except where it has been provided as a 'Must'
(ii) Suspension cannot be with retrospective effect except cases of 'deceased to have been suspended.'

(iii) Since it is not a punishment, no prior notice to suspend an employee is required.

(iv) Suspension does not attract article 311 of the constitution.

(v) The railway employee under suspension cannot claim his full salary on wages.

(vi) The vacancy caused by suspension of a staff can be filled up without creating extra post.

4. **Compulsory Retirement** - This penalty is imposed where retention of a railway employee in service is not felt desirable. But at the same time the effect is not grave enough as to deserve removal or dismissal. As it is observed, the compulsory retirement does not carry with it any of the disadvantages of dismissal or removal. A personal hearing before imposing this punishment, and right of revision is available to Class III and Class IV railway servants. This punishment can only be imposed by the appointing authority.

5. **Removal from Service** - Removal from service is less serious than dismissal, as it entails no bar to seek fresh appointment under the Govt. Service including the Railway. This punishment is ordered normally by the
appointing authority for -

(a) an offence deserving punishment of dismissal
(b) incivility to public
(c) absenting or overstaying sanctioned leave without sufficient cause,
(d) Repeated minor offences and
(e) Inefficiency etc.

6. DISMISSAL: A railway servant is liable to be dismissed from service in the following circumstances -

(a) If an employee is convicted by a court of law or by a Court Martial.

(b) If an employee is guilty of serious misconduct e.g. theft of railway materials, taking and offering bribe, violation of any provisions of Railway Servants Conduct Rules, cheating in the capacity of railway servant, fraud, forgery, embezzlement, insubordination, misappropriation, drunk on duty, assaulting public or other railway servant while on duty, making false or malicious allegations, incivility towards the users or railway, misdeclaration etc.

(c) If an employee is guilty of insolvency or habitual indebtedness (although this is an offence as per rule, but no such case is recorded
in the N.F. Railway of any staff dismissed only for this offence).

(d) If an employee is guilty of neglect of duty resulting or likely to result in loss to the Govt. or to the railway administration or danger to the lives of persons using the railways.

(e) If an employee secures the employment by concealment of his antecedents.

(f) If the employee is guilty of an act or omission which resulted or would have resulted in collision of railway trains.

(g) If the employee are responsible for passing the railway signals at danger.

All the above offences must be proved before issuing the order of dismissal. Dismissal from service shall disqualify the railway servant from future employment in any of the Govt. or railway service.

So far we have discussed the proceeding for disciplinary action and imposition of penalties on railway employees by the Railway Administration.

It is common in the service rule that the Railway servant have the privilege of preferring appeals to the next higher authorities against the impugned order of penalties passed by the authorities appealed against. An employee has
...also the right to appeal to the highest authority of the land viz., the President of India, after of course exhausting all his channels of appeals, against an order of punishment, which (a) alters to his disadvantage in his conditions of service, pay, allowance or pension or (b) interprets to his disadvantage the provisions of any rule whereby his conditions of service, pay, allowance or pension are regulated or (c) has the effect of superceding him in promotion from the junior to senior scale or (d) has the effect of stopping him at the efficiency bar and or any other privileges.

But in certain cases, the employees have no right to appeal against an order passed by the Central Government. For instance, no appeal lies against (i) any order made by the President, (ii) any order of an interlocutory nature or of the nature of step-in-aid of the final disposal of a disciplinary proceedings, other than an order of suspension, and (iii) any order passed by an inquiry authority in the course of an inquiry. A railway servant can prefer an appeal against all or any of the orders of penalty imposed on him. But, no appeal is entertained unless it is preferred within 45 days from the date of penalty order issued, with a few exceptions. Further, a Class III railway employee may appeal to the General Manager for a revision of the major penalty imposed on him and considered by the General Manager as a special case.
Provisions are there that a railway servant may request the administration to refer his case to the Railway Rates Tribunal, Madras for removal, dismissal or compulsory retirement orders, if he desires in certain cases. But very rare cases were preferred to Railway Rates Tribunal, Madras as records reveal.

There is another provision about the 'Review' of the cases of the railway employee, after the imposition of penalty by the competent authority. According to this provision, the competent authority in the case of a railway servant serving under his/its control, may at any time call for the records of any inquiry and review any order of punishment. The competent authority may also confirm, reduce, enhance or set aside the penalty or impose penalty where no penalty has been imposed, after stipulated period fixed as per rule. In case of proposal to impose or enhance any penalty, the railway servant has to be given a reasonable opportunity of making representation, showing the cause against the penalty proposed. Representations addressed by the railway employee to the competent reviewing authority (not below the rank of Deputy Head of Department) should be submitted through proper channel and forwarded by the appellate authority with the following information, but without any comments.

(1) In terms of sub-rule 1 of rule 25 of Rly Servants (E) rules - 1968.

(2) As per Rly Board's letter No. E(D& A) 73 RG 6- 2 of 9- 5- 73 can be seen in E/Ruling section of F/Branch of .E.Rly.
(a) Summary of the contents of the application
(b) Nature of the offence committed,
(c) The penalty imposed
(d) The authority which imposed the penalty and
(e) the orders of the appellate authority.

There are not many cases in the I.R. Railway which were
revised by the competent authority on representation from the
employees side, with few revision cases, it cannot be said
whole heartedly that those cases have been finalised
properly. Lapses are there from both the side - which
might have been cropped up due to existing system in the
Railway. Rules are to prevent any offence from the
employees side, but these rules invariably suffer from
numerous loopholes with weaker consequence. How and on
what condition the employee is tempted to break the
disciplinary rules may be a point of question. A reference
to the Railway Corruption Enquiry Committee (1953-1955)
(Presided by Acharya J.B. Kripalani) may be given, responding
to the above point of question. The Committee observed that
'While in most modern countries the difference between
highest and lowest incomes in about ten times or even less
and in India it is much more. This is out of all proportion
to the difference in educational qualifications and ability ....
We believe that if the Govt. takes the initiative in
reducing disparity of emoluments ......it will progressively
reduce as we march towards socialism which has been declared
to be the goal of Govt. policy. (1)

(1) Report of the Railway Corruption Enquiry Committee, 1951,
Govt. of India, Ministry of Railways - P 109.
However, there is no doubt that proper conditions of service are essential to keep morale and discipline among the employees. Maintenance of proper discipline in the Organisation is a method of maintaining high moral of the employees. Discipline is not only a punitive function nor a punishment or reprimand, but it is also the education of the employee in the line of his action during his service. Practically, in this respect a proper & sound atmosphere is needed for building employees moral in the organisation.

Because 'Morale' is the capacity of a group of people to pull together persistently and consistently in pursuit of a common purpose. Rules are rules - framed for the purpose consequent to situation, but not like a monster to fear the employee and preventing them from any offence. To sustain high morale among all ranks of railway servant - (though not an easy task) it is managements responsibility to appreciate the significance of morale, to fashion tools to measure it and to discover ways of fostering and maintaining it.

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