

South Central Railway



Headquarters Office,
Personnel Department,
Secunderabad.

No. P[R] 227/XVII

Dt: 29.11.2024.

ALL CONCERNED

Sub: Initiation of follow up action including Disciplinary action in other than Vigilance /CBI cases.

Vigilance department of this railway has observed that, Divisions/ Workshops/Units (Extra Divisional Offices) are "not taking timely action" against railway officials who are either involved in RPUP [Railway Property (Unlawful Possession)] cases or in other Criminal cases. In this connection, the General Manager has opined that, necessary instructions to all concerned may be circulated duly bringing out the various relevant/appropriate rules on the subject matter.

The following are the provisions available in various Railway Acts/Codes/Manuals on the above subject:

- (i) As per Prevention of Corruption Act of 1988, a public servant is said to commit the offence of criminal misconduct, if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or any property under his control as a public servant or allows any other person so to do; or if he intentionally enriches himself illicitly during the period of his office.
- (ii) As per Para 512.9 of IRVM 2018 Administrative misconduct refers to lack of punctuality, drunken behavior at work, insubordination etc. would be left to the disciplinary authority to deal with in an appropriate manner. If the lapse is without a vigilance angle, the disciplinary authority would be within its rights to initiate appropriate penalty proceedings against erring employees.
- (iii) Rule-19 of Railway Services (Conduct) Rules 1966 refers to 'Vindication of Acts and Character of Railway servants', i.e. No railway servant shall, except with the previous sanction of the Government, have recourse to any Court or to the Press for the vindications of any official act which has been subject matter of adverse criticism or an attack of a defamatory character.
- (iv) Para 3.1.1 of CVC guidelines refers to various sources of complaints i.e. Information about corruption, malpractice or misconduct on the part of public servants may flow to the administrative authority, the Commission, the CBI or the police authorities from any of the sources viz., scrutiny of transactions reported under the Conduct Rules; tampering with records, over-payments, misappropriation of money or materials etc., Complaints and allegations appearing in the press etc., source information, if received verbally from an identifiable source, to be reduced in writing; Intelligence gathered by agencies like CBI, ACB, Lokayuktas, etc.

29.11.24

contd.

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(v) Rule 8 of Discipline & Appeal Rules, 1968 provides that 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 disciplinary proceedings against any railway servant on whom that disciplinary authority is competent to impose, under these rules, any of the penalties specified in rule 6.

It has come to the notice that Division/workshops/Units (Extra Divisional Offices) are not taking timely follow up on those cases and officials, who are either involved in RPUP or in other criminal cases such as Dowry harassment, cheating, theft, murder, misbehaviour with ladies in offices /outside etc. Though there are extant instructions in the concerned Acts/Laws, the appropriate action is not being initiated by the concerned Authority.

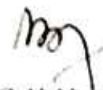
Action is to be initiated where any written or source information is received either from the Department of Police or by any Competent Court of Law with regard to the involvement of Railway employee(s) in any of the cases referred above or if they have been convicted by the competent Court of Law or under trial before various Hon'ble Courts or under investigation by the Local Law & Other Authorities/Agencies. In such cases, the employees are likely to have been violated the General Rule of Railway Services (Conduct) Rules 1966. Such employees need to be taken up by the Disciplinary Authority as per D&A Rules, 1968. There have been cases which came into light of the Administration, only after publication of news in print media /social media/ electronic media etc., though the correspondence from the Investigating agency like Police/RPF had arrived much earlier. This is not satisfactory.

In view of the above, the following course of action is proposed:

- (1) Immediately after receipt of information upon any official involved in any Corruption/ Crime, the concerned DRM/Workshop Head shall advise down the line to the respective Branch Officer/Disciplinary Authority to act upon and take suitable action as laid down in the RS (D&A) Rules 1968 duly keeping informed to PCPO office. The Sr.DPO shall process the file for this purpose.
- (2) Similarly, in case of the HQrs area, the concerned PHOD/CHOD/HOD shall have the responsibility to advise the respective Officer/DA to act upon and take suitable action as laid down in the RS (D&A) Rules 1968 duly keeping informed to PCPO's office.

In case of involvement of any Officer(s), the Head of Division/Workshop/Unit should take up the responsibility and refer the matter to PHOD/HOD, who in turn will forward the matter to PCPO. On receipt of such information from PHOD/HOD/DRM/CWM/Unit Head, PCPO will take appropriate steps to process the matter up to Disciplinary Authority.

This issues with the approval of the competent authority.


 (S.N. Haq)
 Secy. to PCPO
 for Principal Chief Personnel Officer