

DISCIPLINE AND APPEAL RULES 1968

- **D&A RULES ARE ALSO CALLED RAILWAY SERVANTS(DISCIPLINE&APPEAL) RULES 1968.**
- **THESE ARE ISSUED BY PRESIDENT OF INDIA UNDER ARTICLE -309 OF CONTITUTION OF INDIA.**
- **ACCORDING TO D&A RULES 1968 TWO TYPES OF PENALTIES CAN BE IMPOSED ON RAILWAY SERVANTS THESE ARE CALLED MINOR & MAJOR PENALTIES.**
- **DURING IMPOSITION OF MAJOR PENALTIES THE PROCEDURE GIVEN IN ARTICLE 311 OF CONSTITUTION OF INDIA IS TO BE FOLLOWED.**
- **DURING IMPOSITION OF MINOR PENALTIES THE INQUIRY PROCEDURE GIVEN IN D&A RULES 1968 IS TO BE FOLLOWED.**

STANDARD FORMS UNDER D&A RULES

1968

SF-1 **SUSPENSION**

SF-2 **DEEMED SUSPENSION (THE STAFF IS DEEMED TO HAVE BEEN UNDER SUSPENSION IF HE IS DETAINED IN POLICE CUSTODY FOR MORE THAN 48 HOURS).**

SF-3 **CERTIFICATE TO BE FURNISHED BY SUSPENDED OFFICIAL ABOUT HIS NON EMPLOYMENT DURING SUSPENSION PERIOD.**

SF-4 **ORDER OF REVOCATION OF SUSPENSION UNDER RULE 5(5) (C).**

SF-5 **CHARGE MEMORANDUM FOR MAJOR PENALTY UNDER RULE 9.**

SF-6 **REFUSING PERMISSION TO INSPECT RELIED UPON DOCUMENTS.**

SF-7 **APPOINTMENT OF INQUIRY OFFICER/BOARD OF INQUIRY.**

SF-8 **APPOINTMENT OF PRESENTING OFFICER.**

SF-9 CANCELLED BY RAILWAY BOARD.

SF-10 DISCIPLINARY ACTIONS BY COMMON PROCEEDINGS.

SF-10a APPOINTMENT OF INQUIRY OFFICER IN COMMON PROCEEDINGS.

SF-10b APPOINTMENT OF PRESENTING OFFICER IN COMMON PROCEEDINGS.

SF-11 CHARGE MEMORANDUM FOR MINOR PENALTIES.

SF-11(b) FOR PROPOSAL TO HOLD AN INQUIRY IN CASE OF MINOR PENALTY.

SF-11(c) TO IMPOSE A MINOR PENALTY IN CASES WHERE INITIALLY A CARGESHEET FOR A MAJOR PENALTY WAS ISSUED.

SF-12 FORM OF MEMORANDUM TO BE ISSUED TO AN EMPLOYEE CONVICTED IN A CRIMINAL CHARGE AND ACTION IS PROPOSED TO BE TAKEN UNDER RULE 14(1)

Rule –6, Penalties:

Minor Penalty:

- 1. Censure**
- 2. With holding of his promotion for a specified period.**
- 3. Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Railway Administration by negligence or breach of orders.**
- 3.(a) with holding of Privilege pass or PTO or both**
- 3.(b) Reduction to a lower stage in the time scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.**

4. **With holding of increment of pay for a specified period with further direction as to whether on the expiry of such period this will or will not have the effect of postponing the future increment of his pay.**

Major Penalty:

5. **Reduction to the lower stage in the time scale of pay for a specified period, with future 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 his pay.**

- 6. Reduction to lower time scale of pay, grade, post or service with or without future direction regarding condition or restoration to the grade or post or service from which the Railway Servant was reduced and his seniority and pay on such restoration to the grade, post or service.**
- 7. Compulsory retirement.**
- 8. Removal from service which shall not be a disqualification for further employment under the Govt. or Railway Administration.**
- 9. Dismissal from service which shall ordinarily be disqualification for future employment under the Govt. or Railway Administration.**

Sl. No	Major Penalty	Minor Penalty
1	These penalties are given in Article 311 (2) of the constitution	They are not given in the constitution
2	SF-5 is issued for charge sheet.	SF-11 issued.
3	After receiving defence statement, a minor penalty may be imposed straight away (after giving SF-11C)	No major penalty can be imposed on minor penalty charge sheet.
4	A detailed inquiry is necessary	No inquiry is required except in some cases.
5	Only the competent authority impose penalty to issue charge sheet	Charge sheet may be issued by any authority who is competent to impose any penalty.
6	In case of removal/dismissal provision of Revision by RRT is for Group 'C & D' – Rule 24	No provision.
7	Provision for perusal of records	No provision.

PROCEDURE FOR IMPOSING MINOR PENALTIES

A ISSUE A CHARGESHEET ON STANDARD FORM -11 (SF 11).duly INDICATING THE CHARGES AND VIOLATION OF SERVICE CONDUCT RULES

B EXPLANATION TIME GIVEN TO EMPLOYEE IS 10 DAYS.

C THE EMPLOYEE SHOULD ACCEPT THE CHARGE SHEET.

D CONSIDERATION OF THE EXPLANATION

E IF NECESSARY DEPARTMENTAL ENQUIRY WILL BE CONDUCTED.

F IMPOSITION OF PUNISHMENT, IF HE IS FOUND GUILTY

PROCEDURE FOR IMPOSING MAJOR PENALTY

- A** ISSUE OF CHARGE SHEET ON SF-5 DULY INDICATING THE CHARGE AND VIOLATION OF SERVICE CONDUCT RULES .
- B** EXPLANATION TIME GIVEN TO AN EMPLOYEE IS 10 DAYS.
- C** CONSIDERATION OF EMPLOYEE'S EXPLANATION.
- D** NOMINATION OF ENQUIRY OFFICER AND ORDERING FOR ENQUIRY
- E** THE EMPLOYEE WILL BE INFORMED REGARDING THE ENQUIRY AND THE ENQUIRY OFFICER.
- F** THE EMPLOYEE WILL BE ASKED TO SUBMIT LIST OF WITNESS AND PAPERS TO BE EXAMINED ON BEHALF OF THE EMPLOYEE.
- G** APPOINTMENT OF DEFENSE COUNSEL IF NECESSARY BY THE EMPLOYEE.
- H** FIXING THE DATE OF ENQUIRY.
- I** ANY ALTERATION IN THE ENQUIRY MUST BE INFORMED.
- J** ENQUIRY WILL NOT BE COMPLETED WITH IN ONE DAY OR WITHIN ONE SITTING.

K SUBMISSION OF ENQUIRY REPORT TO THE DISCIPLINARY AUTHORITY.

L IMPOSITION OF THE PUNISHMENT BY THE COMPETENT AUTHORITY.

M COMMUNICATION OF THE PENALTY TO THE EMPLOYEE.