

Copy of Railway Board's letter No. PC-66/LE-2/1, dated 19-4-1966.

Sub.—As above.

Reference Board's letter No. PC-60/LE-2/2, dated 27-8-1960 on the above-subject, A question has arisen as to what procedure should be followed for payment and adjustment of advance in lieu of leave salary in a case where a Government servant of temporary transfer from one Department/Government to another avails of leave at the time of his reversion to his parent Department/Govt. It is clarified that in such cases the following procedure should be followed :—

- (i) As the borrowing Department would be in possession of the Accounts Officers' previous leave report or leave account of the Govt. servant concerned, the entitlement to leave can be verified by that Deptt. with reference to the relevant documents. The payment of advance in lieu of leave salary should then be made by the borrowing Deptt. after ascertaining from the lending Deptt. the period and nature of leave that would be sanctioned ;
- (ii) In cases of transfer from one Deptt./Government to another where, under the Rules of Incidence the leave salary is to be borne by the lending Deptt./Government the borrowing Deptt./Government should pay the advance from out of its own budget and later raise a debit for the amount against the lending Deptt./Government. The amount thus recovered from the lending Deptt./Government should be classified under the code rules and extant orders.

Serial No. 3434.—Circular No. 5-E/11-II(Elv), dated 26-5-1966.

Sub.—Withdrawal from State Railway Provident Fund-Counting of 'War Service'.

A copy of Railway Board's letter No. F(P)66PF1/7, dated 12-4-1966 is reproduced below for information and guidance :—

"A question has been raised whether 'War service' shall count towards the limit of 20 years for the purpose of eligibility to make final withdrawal from the State Railway Provident Fund in terms of rule 1320(iv)-R.I. It is clarified that 'War Service' shall be taken into account for this purpose".

Serial No. 3435.—Circular No. 52E/O/26-III (E.D. & A), dated 13-6-1966.

Sub.—Assisting Railway servant/Railway Trade Union official to accused Railway servant in disciplinary proceedings.

A copy of Railway Board's letter No. E(D&A)62RG6-28, dated 28-3-1966 on the above subject is forwarded herewith for information and guidance. The Board's letters Nos. E(D&A)57RG6-13, dated 15-6-1961, E(D&A)61RG6-62, dated 15-7-1963 and E(D&A)62RG6-28, dated 29-2-1964 referred to therein were circulated under this office letters Nos. 52E/O/26 (EVI D&A), dated 17-7-1961, 52E/O/33 (E.D&A), dated 24-8-1963 and 52E/O/26 (E, D&A), dated 28-3-1964 respectively.

Copy of Railway Board's letter No. E(D & A)62RG6-28, dated 28-3-1966.

Sub.—As above.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby directs that sub-rule (2) of Rule 1712 of the Discipline and Appeal Rules contained in Chapter XVII of the Indian Railway Establishment Code, Volume I (1959 Edition) as introduced vide Advance Correction Slip No. 63-RI forwarded under Board's letter No. E(D&A)57RG-6-13, dated 15-6-1961 and amended from time to time, be further amended as in the Advance Correction Slip sent herewith.

2. The Board have also decided that para. 4 of the existing Standard Form No. 3—Charge Sheet for imposition of major penalties—circulated under Board's letter No. E(D&A)61RG6-62, dated 15-7-1963, as amended by their letter No. E (D&A)62RG6-28, dated 29-2-1964, may be substituted by the following :—

“Shri. is further informed that he may, if he so desires, take the assistance of another Railway servant/an official of a Railway Trade Union (who satisfies the requirements of Rule 1712(2)-RI) for inspecting the documents and assisting him in presenting his case before the Inquiring Authority in the event of an oral inquiry being held. For this purpose, he should nominate one or more persons, in order of preference. The nomination would be acceptable only if on the date of nomination there are not more than two other pending disciplinary cases in which the nominee (s) has (have) to assist. Before nominating the assisting Railway servant (s) or Railway Trade Union official (s), Shri. should obtain an undertaking from the nominee(s) that he (they) is (are) willing to assist him during the disciplinary proceedings. The undertaking should also contain the particulars of other case (s), if any, in which the nominee (s) had already undertaken to assist and the undertaking should be furnished to the undersigned alongwith the nomination.”

3. After the nomination of the Assisting Railway servant, inspection of documents and other necessary steps preliminary to the enquiry are completed, a date allowing one month should be fixed for the enquiry. The Railway servant concerned should then be advised of the date of enquiry and also asked to furnish written declaration from the nominated Assisting Railway servant(s)/Trade Union official(s) that he (they) will be free to attend the enquiry on the relevant date.

Advance Correction Slip No. 219 RI.

Rule 1712-RI.

Substitute the following for the existing sub-rule (2) or rule 1712-RI :—

“(2) The accused railway servant may present his case with the assistance of any other railway servant (including a railway servant on leave preparatory to retirement) employee on the same Railway Administration on which he is working. If the accused employee is employed in the office of the Railway Board, its attached office or subordinate Office, he may present his case with the assistance of any other employee (including an employee on leave preparatory to retirement) employed in the office of the Railway Board, attached office or subordinate office as the case may be, in which he is working.

Note 1.—In the case of a non-gazetted railway servant, he may have the assistance of an official of a Railway Trade Union recognised by the Railway Administration on which the accused railway servant is employed, but shall not engage a professional lawyer. The term 'professional lawyer' includes those who are competent to practice in a court of law. A Trade Union official shall not be allowed to appear in a disciplinary case before an officer or a Committee of Inquiry unless he has worked as such in a recognised Railway Trade Union for a period of at least one year continuously before he appears and subject to the condition that he takes no fees.

2.—Nomination of an Assisting Railway servant/Railway Trade Union official shall not be accepted if at the time of nomination the Assisting railway servant/Railway Trade Union official has more than two pending disciplinary cases in which he is to assist".

(Railway Board's letter No. E(D&A)62RG6-28, dated 28-3-1966).

Serial No. 3436.—Circular No. 769E/O-VII(Eiv), dated 26-5-1966.

Sub.—Rule 1339(2)-R.I. Clarification of the provisions regarding transfer of P.F. money to other Govt. departments etc.

A copy of Railway Board's letter No. F(P)66PF1/1, dated 12-4-1966 is reproduced below for information and guidance.

"A question has been raised whether the expression 'Government contribution' appearing in clauses (i) (b), (ii) & (iii) (b) of rule 1339 (2) RI and the 'NOTE' thereunder covers 'special contribution' also, where it is admissible to the employee under the Rules. It is clarified that the expression government contribution, as referred to, in the preceding sentence covers special contribution as well"

Serial No. 3437.—Circular No. 8P/9-X, dated 25-5-1966.

Sub.—Issue of Passes & PTOs.

Cases have come to notice where illiterate staff have obtained and utilized passes/PTOs for their family member/dependents—other than bona fide. The staff concerned when questioned put forth the plea of their illiteracy and state that the wrong details in the Pass/PTOs applications were made by those who wrote the application forms on their behalf. Such explanation can not obviously be accepted but at the same time it would operate too harsh on illiterate staff.

In order to avoid cases of such nature, it is desired that staff knowing Hindi should invariably mention in that language the particulars of their family members/dependents in the Pass/PTO applications themselves. In the case of staff, who are quite illiterate, the officials forwarding the applications should clearly state therein that the employee concerned has been explained the particulars of the family members/dependents by them personally. To provide another safe-guard, the Pass Section or the Incharge of the employee may also question him in this connection at the time of delivery of the Passes/PTOs.

It is requested that these instructions should be given wide publicity.