

PERSONNEL DEPARTMENT

Compassionate Ground Appointments

Do's

- Register the cases immediately on occurrence of the event priority-wise.
- Ensure submission of S&WI's report as early as possible.
- If there's any anticipated delay in submission of documents like death certificate etc., by the family, complete all other formalities so that the case is processed immediately on receipt of documents.
- Render the family all possible assistance in getting the formalities fulfilled for consideration of appointment.
- Save the family from falling prey in the hands of unscrupulous elements.
- Thoroughly check the credentials of the candidate being presented for appointment by verifying various declarations submitted by the employee while in service.
- Check the documents submitted in proof of age, educational qualifications etc., thoroughly, by making necessary enquiries/verifications with the educational institutions/Boards/universities.
- Follow the time limits prescribed for various priorities by holding the screening tests, regularly on the nominated day every month.
- Ensure competent authority's approval for relaxation of age limits wherever required.

- Follow the Board's instructions issued from time to time in determining the eligible family member for appointment.
- Upload the details of pending cases on the official web site to maintain transparency and to enable the family to know the progress of case.
- Ensure prescribed competent authority i.e. DRM/CWM/PHOD/GM/Railway Board approves the appointment depending on the circumstances of the case.
- Ensure that the suitability test i.e. Written Test and Viva-Voce is completed on a single day.
- Ensure obtaining declaration from the CG appointee that he/she will maintain the family dependent/s on the employee at the time of death.
- Ensure that the S&WI's report is kept in the Service Register of the appointee.

Don'ts

- Don't offer the posts that are not within the competence of a particular authority.
- Don't consider the request of the candidate for change of category after acceptance of offer and attending the medical examination.
- Don't offer appointments to regular pay band of Level-1 to those wards who are not in possession of minimum prescribed educational qualification.
- Educational qualification acquired by a ward subsequent to the date of application is not to be considered for determining the Group/Post.

- Don't fix the pay of the CG appointee at a higher stage than admissible without prior and personal finance concurrence of PFA and the approval of GM.

Evaluation of Answer Sheets

Do's

- Officer borne in Agreed list should not be nominated as member in the selection committee.
- Answer sheets should be handed over to the Evaluating Officer soon after the completion of written examination in sealed cover clearly scribed with name of examination and number of the answer sheets.
- Tally the number of answer sheets as mentioned on the top of the sealed cover with that of actual number of answer sheets as mentioned on the top of the sealed cover with that of actual number contains in the sealed envelope.
- Be sure before starting evaluation that answer key is available with you and are correct according to the questions.
- Confirm that all the answer sheets are coded with dummy numbers.
- In case of doubt in answer key, immediately consult with the question setting officer.
- All efforts should be made to award correct marks in first instant itself so that erasing/over-writing/cutting in the marks can be avoided.
- Answer sheets should be evaluated in indelible ink and not be lead pencil.
- Proper and uniform marks should be awarded particularly for narrative type

answers and marks so awarded should not be more than the prescribed marks in any case and no grace mark should be awarded in individual case.

- If any candidate has answered question in excess of the required number, the evaluating officer should award marks only against the requisite number of answers attempted first.
- Evaluating officer should tabulate the marks awarded for each question on the top sheet of the answer book and put his initials.
- Decimal marks whenever given should be corrected to the first decimal and the same should not be rounded off.
- The evaluating officer should make out a separate statement of marks indicating the dummy numbers of the candidates and the total marks obtained on a separate sheet and send it to the Personnel officer in-charge of the selection.
- Once again verify each and every answer sheets, pages and totaling of marks and in case of any minor correction should invariably be attested.
- Count the evaluated answer sheets and return to Personnel Branch in sealed cover only. Unevaluated answer sheets if any due to reasons thereof, should be spelled out in the forwarding note.

Don'ts

- Do not evaluate the answer sheet in which candidate has written his name, put his signature or mark any kind of symbol in it.
- Do not evaluate the answer sheets without dummy code numbers.
- Do not evaluate answers on objective type questions which have corrections

(erasing/over-writing/cutting etc.) by the candidate.

- Do not write anything like correct answer, remarks and even making mathematical calculations in the answer sheets.
- Do not use lead pencil in marking.
- Avoid alteration of marks once awarded by over-writing or erasure.

Departmental Inquiry

At the time of framing the charge sheet

Do's

- Use standard Form No. 5 for major penalty and Standard Form No. 11 for minor penalty.
- Ensure that charge sheet is framed in simple language, precise, clear and one that is understood by charged official.
- Charge sheet must contain the relevant information viz., place, date and time of incidence, rules, orders, instructions etc. violated.
- Separate charges for each allegation.
- Correct name and designation of C.O
- The charge sheet should be signed by the Disciplinary Authority himself and not by any lower authority on his behalf.
- The charge sheet should be issued by the appropriate Disciplinary Authority prescribed in the schedule.

- In case of non-gazetted staff, a major penalty charge sheet can be issued only by an authority who is competent, as per the schedules, to impose on that Railway servant at least one of the major penalties.
- In case of gazetted officer, a major penalty charge sheet can also be issued by an authority who is competent to impose on that delinquent employee at least one of the minor penalties.
- Disciplinary Authority would be with reference to the post held by the charged official at the time of initiation of disciplinary action and not with reference to the post held by him at the time the alleged misconduct occurred.

Don'ts

- There should not be any splitting and multiplicity of charges.
- Matters already decided not to be included.
- Do not issue a fresh charge sheet to the employee for the same charges without dropping the earlier charge sheet. Ensure that the employee is informed about dropping of charge sheet issued earlier without prejudice.
- If the Disciplinary Authority of a charged official is also involved in the same case then he should not act as the Disciplinary Authority in the said case. The authority who is next higher in the hierarchy should act as the Disciplinary Authority.
- Authority who has acted as a member or Chairman of a Fact Finding Inquiry or Accident Inquiry should not act as Disciplinary Authority.
- The articles of charges and the statement of imputation in support of the articles of charges should not be identically worded.

- Do not make reference to report of SPE/Vigilance/CBI in Charge Memorandum.

At the time of serving the charge sheet

Do's

- Ensure that the charge sheet is served within 90 days of suspension.
- Ensure signature of two witnesses in case of refusal by C.O to accept the charge sheet.
- The charge sheet should be sent by Registered post to last known address.
- Copies of documents relied upon should be supplied to the charged official along with the charge memorandum. If the charged official desires to inspect the original documents, this should invariably be allowed.
- The charge memorandum should be served in person on the charged official or sent to his address through registered post.
- If the charged official is not traceable or refuses to accept the charge memorandum, a copy of the charge memorandum should be displayed on the notice board of the charged official's last working place and also pasted on the door of his last known residential address in the presence of two witnesses.
- In case of running staff, charge sheet should be served only when they are going to sign off duty.

Don'ts

- Ensure that the charge sheet is not to be served through subordinate.
- Do not open the undelivered registered envelop, but to be placed on records.

After Serving the charge sheet

Do's

- 10 days' time should be allowed to the charged official for submitting his written statement of defence.
- If CO does not submit his written defence within the time allowed, a reminder should be sent immediately.
- If written defence is not submitted by the CO even after reminders, an inquiry should be ordered immediately, duly informing the charged official.
- The appointment of the Inquiry Officer/presenting officer should be done through a formal order in the prescribed format duly signed by the Disciplinary Authority. The same procedure should also be followed whenever there is a change in the Inquiry Officer and a new Inquiry officer is to be appointed.
- Ensure that Inquiry Officer is sufficiently senior in rank to the charged official.

On receipt of Written Defense:

- Where major penalty charge sheet was issued and the Disciplinary Authority is of the view that a minor penalty is warranted in the case, the same may be imposed without holding an inquiry and without giving any further opportunity to the C.O. for being heard provided Rule 11(2) is not attracted.

- If DA decides to drop the proceedings after considering the reply of the charged official, an order to this effect should be passed and communicated to the charged official.

- Conducting inquiry is mandatory under Rule 11(1)(b) / 11(2) if:-
 - The increment is to be withheld permanently for any period, whatsoever.
 - Increment is to be withheld for a period exceeding 3 years.
 - Withholding of increment is likely to affect adversely the amount of pension or special contribution to Provident Fund payable to the delinquent.

Don'ts

- Do not send the entire enquiry/investigation file to the I.O. but only that file that contains the charge sheet, the relied upon documents, written defense, copy of SF 7 and SF 8.

- Do not impose minor penalty on major charge sheet without dropping the major charge sheet.

CONDUCT OF INQUIRY BY INQUIRY OFFICER

Do's

- Study the case thoroughly.

- A preliminary hearing should invariably be held first after giving due notice, as specified in Rule 9(11).

- Send formal notices to all concerned for all the regular hearings too.

- During the preliminary hearing, IO should generally ask the following questions from the charged official:
 - Whether he has received the charge sheet.
 - Understood the charges against him.
 - Whether he accepts those charges.
 - Whether he has inspected the documents listed in the charge sheet.
 - Whether he wants some additional documents.
 - Whether he wishes to produce some defence documents/witnesses.
- On completion of the above formalities, date of regular hearing may be fixed.
- Inquiry Officer must have impartial approach. He / she should play a vital role in finalizing the DAR case early or within the prescribed time limit.
- Ensure that reasonable opportunity is given to the charged official for defending his case in the course of inquiry.
- Reasons for rejecting the employee's request for producing a witness and or a document shall be recorded.
- Relied Upon Documents supplied to Charged Official and Inquiry Officer should be identical.
- When no Presenting Officer is appointed, the Inquiry Officer himself will perform the functions of Presenting Officer.
- Regular hearing should be conducted in the following sequence:-
 - The evidence on behalf of the Disciplinary Authority has to be produced first.

- All the documents listed in the charge memorandum have to be taken on record and clearly marked as Exhibit No. and signed by the Inquiry Officer.
 - If any of the witnesses had earlier given any statement during investigation, fact finding inquiry etc., he should be asked during the inquiry to confirm the said statement before it is taken on record as evidence.
 - All the witnesses listed in the charge memorandum have then to be examined in the presence of the charged official.
 - After examination of prosecution witness, the charged official has to be given the opportunity to cross-examine the witness.
 - The Presenting officer may also re-examine the prosecution witness after the cross-examination, on any point on which the witness was cross-examined.
 - If the re-examination is to be done by the Presenting Officer on a new point, the permission of the Inquiry Officer has to be obtained for the same.
 - If re-examination by the Presenting Officer is allowed on any new matter, then an opportunity should be given for further cross-examination of the witness concerned on such new matter.
 - After cross-examination of the prosecution witness, the Inquiry Officer may put such questions to the witness as he thinks fit.
- After the case on behalf of the Disciplinary Authority is closed, the charged official should be given the opportunity to present his defence.

- The Charged Official should also be allowed to examine himself in his own behalf, if he desires.
- The defence documents would then be taken on record.
- Defence witnesses would be examined/cross-examined.
- At the end, the Inquiry Officer may generally question the charged official on the circumstances appearing against him in the evidence produced, to enable him to put forth his explanation.
- Such questioning of the charged official by the Inquiry Officer would be mandatory if the charged official has not examined himself as a witness and failure on the part of Inquiry Officer to do this would amount to denial of reasonable opportunity.
- The Inquiry Officer may allow the Presenting Officer and the charged official to file written briefs as a final presentation of their respective cases.
- The Presenting Officer's brief should be obtained first and a copy to be given to the charged official to enable him to present his defence brief.
- CO should be given 15 days time for submission of defence brief.
- On receipt of CO's brief IO should submit his inquiry report along with all documents to DA.
- Apprise the DA of day to day proceedings of inquiry so that he is aware about the progress of the case.
- If a representation is made by the charged official against the Inquiry Officer, alleging bias on his part, the disciplinary proceedings should be stayed and the representation, along with the other relevant material, should

be put up to the appropriate Revising Authority for considering the representation and passing suitable orders.

Ex Party Inquiry:

Do's

- If the charged official does not appear before the Inquiry Officer, the inquiry may be held ex-parte. However, all procedure as prescribed in Rule -9 of RS(D&A) Rules should be completed as far as possible.
- A copy of the record of the day-to-day proceedings of the inquiry and notices for the hearings should be sent to the charged official regularly so that he is aware of what has transpired during the proceedings and this also enables him to join the proceedings at any stage, if he so desires. This procedure should be complied with invariably and Inquiry Officer should ensure that full opportunity is provided to the charged official to defend himself.

Don'ts

- Do not allow the defense witnesses/documents asked by the CO if they are not found to be relevant.
- Inquiry Officer should not try to somehow prove the charge.
- Do not appoint IO of such officials having personal interest in the case.
- Once the date is fixed for hearing, it should not be postponed on flimsy grounds.
- A departmental inquiry is inherently different from judicial proceedings in a court of Law and need not be carried out rigidly in accordance with the rules applicable to judicial proceedings.

- Do not forget to maintain a Daily order sheet and to record all the business transacted during the inquiry on day to day basis.
- Do not examine the charged official/defence witness first, as this would be against the principles of natural justice.
- Do not allow PO and DC to ask leading question from PWs and DWs respectively.
- Do not proceed for inquiry further if allegation of biasness against IO is made. In such situation, the case should immediately be forwarded to the Revisionary Authority for taking decision on the biasness.

On receipt of Inquiry Report

Do's

- Ensure that the prescribed procedure has been followed and the inquiry report has been framed in accordance with Rule 9(25).
- If any irregularity is noticed, remit back the case to the Inquiry Officer for further inquiry from the stage at which the lacuna has been detected.
- The Disciplinary Authority may himself recall the witnesses and examine, cross-examine and re-examine them, if it is necessary in the interests of justice. However, it should be done in the presence of the Charged Official, defence helper and Presenting Officer.
- DA should consider the case and arrive at a tentative decision in regard to establishment of the charges.
- If the Disciplinary Authority disagrees with the findings of Inquiry Officer, detail reasons for disagreement should be recorded by him.

- Send the Inquiry Report to the charged official along with the reasons for disagreement, if any, asking for his final representation.
- This should be done even in cases of *ex-parte* inquiry. The Report should be given to the C.O. even if he is held not guilty.
- On receipt of the representation of the charged officer, the Disciplinary Authority should arrive at a final decision in regard to each of the charges and also decide the penalty which would be warranted in that case.
- If the Disciplinary Authority proposes to impose a specific penalty but is not competent to impose the same, then he should put up the file, with his views to the appropriate authority to impose the proposed penalty for a suitable decision on the matter.

The successor can only communicate the orders of his predecessor already recorded in the file. In such a case, the orders would clearly indicate that he is merely communicating the decision already taken by the earlier Disciplinary Authority.

- The final orders of the Disciplinary Authority have to be reasoned, speaking and should cover all the important points relating to the disciplinary case. It should also indicate that the representation of the charged official has been considered and if possible certain points raised in the representation should also be commented upon, in brief.
- The order of the Disciplinary authority should clearly indicate that he has applied his mind to the case.
- The final orders passed in the disciplinary case should be signed by the Disciplinary Authority himself and not on his behalf. The orders should also

clearly indicate the channel of appeal available to the charged official, the authority to whom the appeal should be made and the time limit within which the appeal should be made.

- The final order/ NIP should be supplied to the CO with proper acknowledgement.
- Ensure that the final decision of DA has been endorsed in the service records of CO.
- Ensure that the order passed by DA is implemented in toto.

Don'ts

- Do not remit back the case to IO for rewriting the Inquiry Report merely on the grounds that the Disciplinary Authority does not agree with the findings of the Inquiry officer.
- The communication forwarding 'the IO's report to CO should not contain phrases such as 'Article of charge is fully proved' or 'Article of charge is fully substantiated'.
- Do not use printed forms while passing orders in a disciplinary case.
- Do not refer any reference to consultation with some other authority including consultation with Vigilance, CVC etc in the final orders recorded by the Disciplinary Authority.
- The penalty of compulsory retirement, removal or dismissal cannot be imposed by an authority lower in rank than the Appointing Authority.
- The final views of the Disciplinary Authority once recorded on the file cannot be altered either by him or by his successor.

IMPORTANT DO's AND DON'Ts FOR INQUIRY OFFICERS

DO's

- Check up your order of appointment as Inquiry Officer.
- Get acquainted with the nature of accusations and the procedure to hold inquiry.
- Follow proper procedure in appointment of presenting officer.
- Plan the holding of preliminary Hearing.
- Open Daily Order Sheet.
- Find out if the charged employee wishes to admit any of the charges in the Preliminary Hearing.
- Sort out the disputed issues, the number of documents, and witnesses etc. to be examined.
- Find out documents requiring proof.
- Ask the accused employee to inspect listed documents.
- Decide relevance of additional documents quickly.
- Record reasons for disallowing the documents.
- Decide relevance of defence witnesses expeditiously.
- Hold regular hearings without avoidable loss of time.
- Take all steps to secure attendance of witnesses.

- Obtain certificate from the defence assistant that he is not having more than two cases on hand in which he is rendering defence assistance.
- Before regular hearings commence obtain certificate of inspection of documents from the charged employee.
- Conduct the hearings fairly and firmly.
- Record the questions disallowed by you during the cross-examination.
- Protect the witnesses from undue harassment.
- Depositions of the witnesses should be recorded and their signatures obtained thereon.
- Keep record of your observations regarding demeanour of the witnesses as they depose before you.
- Remember, the criteria to allow 'New evidence' is 'inherent lacuna' and not merely relevance.
- In ex-parte proceedings, allow the charged employee to participate at any stage, If he/she desires.
- In common proceedings, continue even if any co-accused retires from service.
- In part-heard inquiries, better take up threads where they were left by your predecessor.
- In case of 'Court Witness' allow cross-examination by both the parties.
- Do ask mandatory questions at the close of inquiry.
- Allow copy of the written brief of the Presenting Officer to the charged employee.

- Evaluate the evidentiary value of each piece of evidence recorded during inquiry correctly and properly.
- Submit a exhaustive report of inquiry without any avoidable delay.
- Submit your report of inquiry to the disciplinary authority along with all original records.

Don'ts

- Do not delegate function of holding of inquiry to anyone else.
- Do not hold inquiry according to your own methods. There is a prescribed procedure to follow.
- Do not continue with the proceedings (it has to be stayed) if a representation of the charged employee alleging bias against the inquiry officer is pending consideration.
- Do not postpone preliminary hearing simply because the charged employee could not arrange for defence assistance.
- Do not call for the documents or examine a witness to decide the question of their relevance.
- Do not requisition additional documents from the disciplinary authority. Do not ask the Presenting Officer to collect them. You have to write direct to the authority in whose custody or possession these documents lie.
- Do not question the decision of a Head of Department to withhold documents on grounds of public interest.
- Do not throw responsibility of calling defence witnesses on the charged employee.

- Do not enter into argument with a controlling authority if it is unable to relieve a particular employee, in the interest of public service, to render defence assistance in the case pending before you.
- Do not insist that witnesses may be produced in any particular sequence before you. The order in which the witnesses may be examined has been left to the respective parties.
- Do not administer oath to the witnesses.
- Do not question the witness extensively right at the outset. The witnesses should be examined in accordance with the prescribed procedure.
- Do not interfere frequently when a witness is being examined, cross-examined or re-examined. The salutary principle in this regard is patience and graceful hearing. You may clear your doubts and get clarifications from the witness at the end.
- Do not allow leading questions, except in cross-examination. Do not put leading questions to the witnesses, yourself.
- Do not allow 'New evidence' to fill up gaps. It should be allowed only if there is an inherent lacuna in the evidence already recorded.
- Do not allow adjournments on flimsy grounds.
- Do not proceed *ex-parte*, if the charge sheet has not been delivered to the charged employee.
- Unless he opts to examine himself, do not examine a co-accused in a common proceeding as witness against the other co-accused.

- In a joint trial do not allow cross-examination of a defence witness by the other charged employees. Only presenting officer can cross-examine a defence witness.
- Do not go for local inspection of the site of the incident except when accompanied by the charged employee and the presenting officer. Better, make a local inspection after the prosecution evidence has been recorded. Do not collect information there from persons who have not been cited as witnesses.
- Do not take into consideration the written brief of the Presenting Officer if filed after the expiry of the due date and receipt of the brief of the charged employee. If you do not wish to exclude it from consideration, you have to send a copy thereof to the charged employee with an opportunity to file a rejoinder.
- Do not take into consideration any matter or evidence which was not adduced during the course of inquiry. No importance should be given to surmises, conjectures, whims or your personal knowledge of the matter not on record.
- Do not delay submission of your report of inquiry.

SELECTIONS

DOs

- Conduct selections at regular intervals to eliminate continuance of adhoc arrangements.
- Ensure that the number of vacancies is not altered once the alert notice is issued.
- Ensure that the Selection committee is properly constituted i.e. committee consists of two officers of the executive departments including one for which selection is held and one from Personnel Department. One of the members must belong to the SC/ST category.
- Do ensure that the members of the Interview Board/Selection Committee are officers/persons of known integrity.
- Ensure that the vacancies meant for other candidates and reserved for SC/ST candidates are clearly indicated while issuing the alert notice.
- Do observe due secrecy of question papers for the written test. Ensure proper custody of the answer scripts so as to obviate any scope for replacement of answer scripts.
- Maintain absolute secrecy in printing and distribution of question papers.
- Ensure that the answer sheets are handed over to the evaluating officer in a sealed cover immediately after the examination
- Evaluation of answer sheets should be in indelible ink and in no case a lead pencil be used.

- If a change is introduced in the condition of eligibility after the call for applications or after the selection has started, ensure that opportunity is given to candidates who may have become eligible according to the revised conditions of eligibility.
- Ensure to obtain the key for objective type questions from the officer who sets the question paper and to hand over the same to the evaluating officer.
- Ensure that there are no erasings and over writings in awarding of marks in selection proceedings and wherever the marks already awarded are to be changed the original marks should be scored out and fresh marks awarded and authenticated.
- Ensure that all the members of the Selection Committee sign each page of selection proceedings.

Don'ts

- Don't manipulate the number of vacancies, so as to favour candidate within the field of choice.
- Don't postpone regular selection on flimsy grounds so as to permit continuance of officiating incumbent.
- Don't deliberately mismanage applications received from candidates in response to advertisement for employment.
- Don't accept applications after the last date of receipt by pre-dating them.
- Don't leak question papers of written tests to a selected few applicants for consideration.

- Don't replace answer scripts of written tests with a view to favour particular candidates.
- Don't destroy answer sheets after written tests. It would amount to destroying the evidence against any allegation of malpractices. The answer sheets should be kept in safe custody for a reasonable time.
- Don't prepare an unnecessarily long and disproportionate panel of selected candidates.
- Don't do manipulation of marks in tabulation sheets.
- Don't change the criteria with a view to accommodate a particular candidate with predetermined intention.
- Don't demand or accept money from candidates/applicants.
- Don't relax the qualification and experience criteria without giving adequate notice in a transparent manner.
- Don't allow delays between various stages of selection persons particularly between written Test and Viva-voce and announcement of results.
- Don't give marks for answers attempted in excess of the number of questions.
- Do not nominate an officer in the Selection Board/Committees, if his name is borne on the Agreed List.
- Do not change the constitution of the Selection Board/Committee for a Selection except when unavoidable.
- Do not increase the number of vacancies when the Selection process has started.

- Do not forget to implement, in any selection the Reservation Rules for SC & ST communities and to obtain competent authority's sanction for de-reservation where necessary.
- Do not retain answer sheets connected with any selection or written examination with you on being nominated as evaluator beyond the prescribed period.