

RBE No. 54/1995: Departmental Proceedings

No.E(E&A)95 RG6-4, dated 07.06.1995

Sub: Review of decision taken in departmental proceedings on acquittal of a railway servant in a Court on the same charges.

1. Arising out of a demand made by AIRF in the PNM meeting the question whether a decision taken in departmental proceedings needs to be reviewed following acquittal of the Railway servant by a Court in a criminal case on the same charges has been examined.
2. It is clarified that there is no legal bar to the initiation of departmental disciplinary action when prosecution is already in progress and generally there should be no apprehension of the outcome of the one affecting the other, because the ingredients of delinquency misconduct in criminal prosecution and departmental cases, as well as the standards of proof required in both cases are not identical. Thus, the departmental and criminal proceedings can be initiated simultaneously against the delinquent employee and the disciplinary proceedings can be continued and concluded without waiting for the conclusion of criminal case against the employee on the same charges.
3. However, if the facts, circumstances and the charges in the Departmental proceedings are exactly identical to those in the criminal case and the employee is exonerated/ acquitted in the criminal case on merit (without benefit of doubt or on technical grounds) then the departmental case may be reviewed if the employee concerned makes a representation in this regard.

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**Forward reference ⇒ RBE No.**