

Inquiry Officer – RS (D&A) Rules

No.E(D&A)70 RG6-14, dated 19.06.1974

Sub: Enquiry under the Discipline and Appeal Rules - Appointment of Inquiring Authority.

1. One of the items considered by the National Council set under the scheme of Joint Consultation and Compulsory Arbitration was a proposal from the Staff Side that the disciplinary enquiry as a rule, should be conducted by a person who should be free from all influences, official or otherwise, of the disciplinary authority and that if a representation is made by a delinquent employee against the appointment of an Inquiry Officer, on ground of bias and his representation is rejected by the Disciplinary Authority, it should be open to him to prefer an appeal against the orders of the Disciplinary Authority to the Appellate Authority.
2. The matter was discussed and ultimately, it was agreed that though there was a provision in the Discipline and Appeal Rules for filing an appeal against the order appointing a person as an Enquiry Officer, in a disciplinary proceeding, such an order could, nevertheless, be reviewed under the said rules, it was accordingly, decided that whenever an application is made by a railway servant, against whom disciplinary proceedings are initiated under the [Railway Servants \(Discipline and Appeal\) Rules, 1968](#), against the Inquiry Officer, on grounds of bias, the departmental proceedings should be stayed and the application of the delinquent along with the other relevant material, forwarded to the appropriate revising authority specified in [rule 25 of Railway Servants \(Discipline and Appeal\) Rules, 1968](#) for considering the application and passing appropriate order thereon expeditiously.
3. The Board Desire that all the Disciplinary Authorities may please be advised accordingly and it be also impressed upon them that departmental enquiries should, as far as possible, be entrusted to the regular Enquiry Officers holding the posts where specifically created for conducting such enquiries. In cases, however, due to unavoidable reasons, the inquiries have to be entrusted to officers other than regular Enquiry Officers, it should be ensured that the officer concerned, are of appropriate rank and are fully conversant with the disciplinary procedure. Such officers may also be relieved of their normal duties to such an extent as may be necessary for expeditious completion of the inquiries and for submission of their reports.

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Forward reference ⇒ RBE No.