

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. E(D&A)2013 RG6-1

New Delhi, Dated 08.07.2013

The General Managers (P),
All Indian Railways & Production Units etc.
(As per standard list)

Sub: Action to be taken in cases where the Railway Servants are convicted by criminal courts.

A Zonal Railway had in the year 2011, referred to the Ministry of Railways for appropriate action, the case of a Railway servant who had retired from service on superannuation in January, 1992 and had been convicted by the CBI court on a criminal charge in November, 1992. The trial court had sentenced the retired Railway servant concerned to undergo rigorous imprisonment of one year and to also pay a fine of Rs. 1000. The retired Railway servant concerned filed an appeal against his conviction which was admitted in December, 1992. While admitting the appeal the appellate court had granted bail to the convicted Railway servant and also stayed the realization of fine from him pending disposal of his appeal.

2. The matter was examined by the concerned Directorate in this office and papers thereafter, were submitted to Hon'ble Minister for Railways for consideration on behalf of the President under Rule 9 of Railway Services (Pension) Rules, 1993. Hon'ble Minister for Railways has taken a very serious view of the abnormal delay of as much as about two decades that has taken place in referring this case to the Board's office for further action.

3. The case records has revealed that the abnormal delay as aforesaid took place in the case mainly due to lack of clarity on the part of Zonal Railway authorities as to whether action could be taken against a Railway servant based on his conviction when the appeal filed by him against his conviction is pending. In this connection, attention of the Railways is invited to instructions contained in Board's letter No. E(D&A) 93 RG6-65 dated 6.6.94. It may be noticed that these instructions clearly answers the issue in question. It has been categorically provided in Board's letter dated 6.6.94 mentioned above that the mere filing of an appeal and/or stay of the execution of the sentence do not take away the effect of conviction, unless the appeal is allowed and the

conviction is set aside by the appellate court. The competent disciplinary authority may proceed with the institution/completion of disciplinary proceedings, including imposition of the penalty as prescribed in the disciplinary rules, on the basis of conviction imposed on the Railway servant by a criminal court notwithstanding the fact that a higher court on an appeal filed by the Railway servant concerned may order suspension of the "sentence" passed by the trial court till the final disposal of the appeal.

4. The instructions brought out in para 3 above are hereby reiterated for the information and guidance of all concerned. It may be ensured that in case of conviction of a Railway servant on a criminal charge prompt action is taken in the light of the position stated in Railway Board's letter dated 6.6.1994 under reference so that the type of the situation as took place in the case referred to in this letter, be avoided in future.

Please acknowledge receipt.

(sd/-)

(Harish Chander)
Deputy Director Establishment (D&A)
Railway Board

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