

आल इंडिया स्टेशन मास्टर्स एसोसिएशन ALL INDIA STATION MASTERS' ASSOCIATION

New Delhi

Reg. No. NDD/09



To,

Date- 04/03/2024

Smt.Jaya Varma

Chairman/CEO

Railway Board

Rail Bhavan

New Delhi

Respected Madam,

Sub: Unlawful invoking of 14 (ii) of RS (D&A) Rule – reg.

Ref: Rolling down of the ballast Train of DMT load 53 BOBYN from KATHUA towards PTKC side and could be stopped at UCB on 25.02.2024.

It is noticed by the Association of Station Masters (AISMA) that in the above reference roll down of stabled material train case in Kathua station / FZR of Northern Railway, the Sr.DOM / FZR, the disciplinary authority-imposed punishment of under rule 14 (ii) of RS (D&A) Rule.

Sr.DOM / FZR has fallaciously stated that **it is not reasonably practicable to hold an enquiry in the tense atmosphere and evidences / record of this incident can be fudged to mislead the enquiry**. Further he arbitrarily stated that in exercise of the powers conferred upon, he under rule 14 (II) of RS (D&A) Rules, 1968 has decided to impose the penalty of **Removal from service**.

This Association, could not find any trace of **the tense atmosphere and evidences / record of this incident can be fudged to mislead the enquiry**, as recorded by Sr.DOM / FZR and cannot be accepted in the light of truth.

And this Association is of the opinion that this penal action against the Station Master under rule 14(ii) by Sr.DOM / FZR is unwarranted, unlawful and against the Railway Board's Letter No. E(D&A)85 RG6-72 dated 06.10.1988 in which procedure for imposition of penalties under Rule 14(ii) of the Railway Servants (Discipline & Appeal) Rules, 1968 has defined.

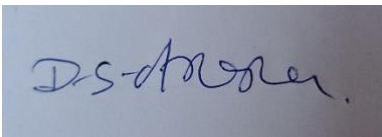
Rule 14(ii) of the Railway Servants (Discipline and Appeal) Rules, 1968, which emanates from the provisions contained in clause (b) of the second proviso to Article 311 (2) of the Constitution of India, lays down special procedure for imposition of penalties in situations where the disciplinary authority is satisfied.

It is well known both Article 309, 310 are subject to Article 311 of Constitution of India. And all Government (including railway) servants when under service agreement of article 309, in the matter of dismissal, removal or reduction to lower stage, it has to comply the requirements of article 311 & article 311(2) of Constitution of India. Merely basing on the Prima facie inquiry, imposition of punishment under 14(ii) of RS (D&A) Rule 1968 is against the Article 309, 310 & 311 of Constitution of India and a disregard to the said Articles.

This Association while holding an Emergency Meeting on 01.03.2024, decide to agitate in National level and specially in FZR Division and NR Zone in protest against the said unlawful invocation of 14(ii) of RS(D&A) Rule against the Station Master, Traffic Assistant, Loco Pilot, and Assistant Loco Pilot, without giving an opportunity to explain their part. We demand immediate cancellation of these illegal penal actions and render justice.

Thanking You,

Yours Faithfully

A rectangular box containing a handwritten signature in blue ink. The signature appears to be 'D.S. Arora'.

Dharamveer Singh Arora

Secretary General

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