



ALL INDIA LOCO RUNNING STAFF ASSOCIATION

Regd. No. 17903 HQ- Adra, Purulia (WB) Pin- 723121

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To,

The Chairman /CEO

Railway Board

Rail Bhawan, New Delhi

Respected Madam,

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

It is noticed by the association that in the recent roll down of stabled material train case in Kathua station of Northern Railway, concerned divisional disciplinary authority-imposed punishment under rule 14(ii) of RS(D&A) Rule. And association is of the opinion that this penal action against the loco pilot under rule 14(ii) 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 its Central Working Committee meeting at Gardwal Bhavan, New Delhi on 29.02.2024 and 01.03.2024 decide to conduct branch level demonstration at all branches of Indian Railways on **05.03.2024** in protest against the said unlawful invocation of 14(ii) of RS(D&A) Rule against the Loco Pilot, Assistant Loco Pilot, Station Master and traffic Assistant without giving an opportunity to explain their part. We demand immediate cancellation of those illegal penal actions.

Thanking You,

Place: New Delhi

Date: 01/03/2024

Yours faithfully

**K C James, Secretary General,
AILRSA**