

Personnel Management

Lesson-2

1. Introduction

Personnel management in the Railways has some other important function viz. staff Welfare, Social Security, Industrial Relations, observance of Labour laws, Conduct and Disciplinary rules, which will be discussed in this lesson.

2. Staff Welfare

Staff welfare means any thing done for intellectual, physical, moral or economic betterment of the workers by the employer over and above what is laid down by Law or what is normally expected as part of any contractual benefit. Welfare measures are designed to effect an all round improvement in the employee's working and living conditions.

Railway is the biggest employer in the country, having about 13.31 lakh employees. Railway Administration has been doing a lot for the welfare of its employees. A welfare organization is functioning on each Zonal Railway to implement the various welfare schemes. Chief Personnel Officer is the head of the welfare organisation on each Zonal Railway. He is assisted by a team of Personnel Officers and Welfare Inspectors. Welfare Inspectors remain in close contact with the employees to know their problems and to take all possible remedial measures to mitigate their problems, to education them about the various welfare activities available and to assist them in getting the benefits and facilities.

Some of the welfare schemes available to Railway employees are briefly enumerated below:

(i) Staff Benefit Fund:

Each Zonal Railway maintains a fund known as "Staff Benefit Fund" mainly for the benefit of non-gazetted Railway employees. Money from this fund is spent for the following purposes:

- (a) Education of staff/their family members including scholarship for technical education.
- (b) Sports, recreation and other cultural activities.
- (c) Relief in distress and sickness.
- (d) Other miscellaneous items like libraries, Scouting, Handicraft Centres etc.

The fund is managed by a Committee headed by C.P.O. at Zonal level consisting of the representatives of Administration as well as of the employees. Regional Sub-Committees are formed in the divisions and workshops to administer the fund at that level.

(ii) Medical Facilities:

There is a comprehensive health care facility given to all employees. Railways have one of the best Doctors on roll and a full fledge medical department to take care of its health care needs. Following functions are catered by medical department.

I. Indian Railway Health Care delivery System has to perform following two important functions:**a. Functions related to Industrial Medicine.**

- i. Functions related to Medical treatment to Railway beneficiaries.
- ii. To attend Railway accident & other untoward incidences. On average about 360 such incidences/year are attended.
- iii. To provide emergency medical treatment to traveling sick passengers.
- iv. Pre employment Medical examination to allow only fit & suitable candidates to join the service. On average 50000 candidates are examined every year.
- v. PME (Periodical Medical Examination) of serving employees to allow fit person to continue in those jobs which are related to safe running of the train. On average 1,20,000 employees are examined per year.
- vi. Medical Boards & other medical certification of serving employees.
- vii. Control on loss of mandays on account of sickness (both normal & HOD).
- viii. It is kept under control by medical officers. At present loss of mandayson sickness is only 2%.
- ix. Safe water supply at Railway Station: A constant vigil is maintained to check on quality of drinking water made available at Railway Stations. About 60,000 water samples from Railway stations are tested for bacteriological purity every year. About 600,000 water samples from Railway stations are tested for residual chlorine. There is a well laid down system of reporting and to take corrective measures for unsatisfactory reports.
- x. Safe food supply at Railway stations: Following activities are undertaken to ensure safe food supply at Railway station.
 1. Regular inspection of kitchen & food stalls.
 2. Regular health checkup of food handlers.
 3. Collection of food samples under PFA Act.
 4. Collection of food samples under quality control system.
- xi. Ensuring Factory Act: Medical first aid posts are provided to all factories of Indian Railways (there are 84 such factories) as per Factory Act.

- xii. Workman Compensation Act: Activities related to WCA is under taken on regular basis.
- xiii. Certification of dead bodies at Railway Station, Railway Yards, Railway line, etc.is being done on regular basis.
- xiv. Certification of perishable good in Railway Station about their disposal is done as and when required.

b. Functions related to Medical treatment to Railway beneficiaries:

Total comprehensive Medical treatment is provided by Indian Railway Medical Department.

A. Curative health care.

- a. Primary level.
- b. Secondary level.
- c. Tertiary level.

B. Preventive health care.

C. Promotive health care

II. Number of Railway beneficiaries:

Serving employees	13.31 lakhs x 4	= 53.24 lakhs
Retired employees with RELHS Scheme	2.8 lakhs x 2	= 5.6 lakhs
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	Total	= 63.6 lakhs
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III. Infrastructure available:

a. Railways own infrastructure

Total No. of Railway Hospitals	= 121
Total No. of indoor beds	= 13770
Total No. of Railway Health Units	= 586

b. Other Hospitals approved:

- i. All Govt Hospitals are approved.
- ii. Private Hospitals:About 133 private hospitals has been approved.

IV. System of providing medical treatment.

- a. Primary level health care is provided 100% by in house system.

- b. Secondary level health care is provided 80% by in house system and 20% by Govt Hospital & other private Hospital recognized by Railway.
- c. Tertiary level health care is provided 5% by In house system Balance 95% by Govt Hospital & other private Hospital recognized by Railways.

Once a railway beneficiary comes to Railway Hospital for medical treatment, he/she is provided all types of Medical treatment as per the need of the patient. The medical treatment is either provided by available Railway hospital or Govt Hospital or recognized private Hospital.

In extreme emergency situation when there is no time for a railway beneficiary to come to Railway hospital then he/she may avail treatment in a private hospital/Govt Hospital in the locality and can claim through reimbursement claim system.

(iii) Education:

(a) As on 31.3.2009, Railways were running 1 degree college and 316 schools, including nearly 100 Secondary/High schools for the benefit of the wards of Railway employees. Railways also support 68 Kendriya Vidyalayas.

(b) Assistance in the form of children education allowance, Hostel subsidy and reimbursement of tuition fee is available.

(c) There are Technical Training Centres where family members of a Railway Employee are imparted training.

(iv) Mahila Samit are functioning for the social well being of the families of Railway employees.

(v) Holiday Homes have been provided at various places where the employees and their families can stay by paying nominal charges. Some of the places where Holiday Homes have been provided are Shimla, Mussoori, Manali, Nainital, Mumbai, Darjeeling, Matheran, Lonavala, Mysore, Tirupathi, Madgaon, Kanyakumari, Haridwar, Shillong, Varanasi & Puri.

(vi) Housing: Over 42% (i.e. nearly 6 lacs) staff have been provided the facility of subsidized housing. As a welfare programme more and more new quarters are being constructed for railwaymen.

(vii) Cooperative Societies are also encouraged as a part of welfare programme to run housing schemes, thrift and credit societies, etc. 170 registered Railwaymen's Consumer Cooperative Societies, 6 Railwaymen Cooperative Housing Societies and 28 Labour Contract Cooperative Societies were functioning on Indian Railways in 2008-2009.

(viii) Passes and PTOs: Railway employees are getting the privilege of free passes according to their entitlement for themselves and their families enabling them to travel by train for any station on Indian Railways.

The number of sets of privilege passes admissible to the Railway Servants is as under:

- (a) Gazetted Officers -6 sets a year

- (b) Non-gazetted staff upto 5th year of service one set a year and from 6th year onward 3 sets a year.

In addition, railway employee is entitled to get 4 sets of Privilege Ticket Order every year. It can be exchanged for an ordinary ticket on payment of one third of the actual fare.

- (ix) **Railway Minister's Welfare and Relief Fund:** The fund provides financial assistance and relief to the Railway employees and their families in the time of distress. Voluntary contributions from the employees and Railway Women's organizations constitute the primary source of the Fund.
- (x) **Sports:** Talented sports persons are offered employment in Group 'C and Group 'D' posts according to their achievements. Railway employees taking part in various sports activities are given cash incentives, advance increments and out of turn promotions for their outstanding performances. In the year 2008-09 Indian Railways clinched 30 National titles in various events viz. athletics, wrestling, body building, basket ball, cycling, volley ball, gymnastic, badminton, hockey, kabaddi, water polo, cricket etc. A number of sports persons are the recipients of the coveted Arjun award and Dronacharya Award. Shri Sushil Kumar, wrestler was awarded 'Rajiv Gandhi Khel Ratna', the highest individual sports award in the country.

Several Indian Railways' sport persons are the members of Indian teams participating at international levels.

3. Social Security

Social Security means the security as provided by the society to its members against certain risks and contingencies to which its members are exposed. Social security is a very comprehensive term. Ours is developing country. Many schemes have been introduced by the Government.

Indian Railways, as an employer, has adopted several schemes, some of which are briefly explained as under:

(i) Provident fund:

It is a fund in which monthly subscription of 8.33% of the pay of an employee is received and held in his account with interest accruing on that amount. Subscription to the fund is compulsory. The amount standing at the credit of the subscriber is payable on the termination of his service or on his death while in service.

An employee is permitted to take advances/withdrawals from his Provident Fund account on certain grounds like marriages, sickness, higher education, purchase of conveyance, construction of a house etc.

(ii) Deposit Linked Insurance Scheme:

Under this scheme, the family of a railway servant who dies while in service after completion of 5 years of service, get an amount equal to average balance in his Provident Fund Account during the 3 years immediately preceding the death of the employee subject to a maximum of

Rs. 30,000/ provided all other conditions as prescribed are fulfilled.

(iii) Pension

- a) **Monthly Pension including Family Pension:** Railway employees (who joined upto 31st December, 2003) on their retirement get monthly pension throughout their life-time and therefore, pass the remaining period of their life peacefully and gracefully. Pension shall be calculated at 50% of average pay. In the event of their death either while in service or after their retirement, their spouse gets monthly family pension.
- b) **NPS:** The Central Government had introduced the National Pension System (NPS) with effect from January 1, 2004 (except for armed forces). In NPS, a Railway employee contributes towards pension from monthly salary along with matching contribution from the employer. The funds are then invested in earmarked investment schemes through Pension Fund Managers.

A NPS subscriber is provided with an individual pension account identified by Permanent Retirement Account Number (PRAN) which is unique & portable across locations and employments. The Card provided contains member's name, PRAN no., Father's name, date of birth, Photograph and Signature/ Thumb impression.

Benefits of NPS: Dual benefit of Low Cost & Power of Compounding, Tax Benefits On Employee's and Employer's contribution, Safety, Transparency and Portability.

(iv) Death Cum Retirement Gratuity (DCRG):

Death-cum-Retirement Gratuity is paid to Central Government employees whether under New Pension System (NPS) or the old pension scheme. A minimum of 5 years' qualifying service and eligibility to receive service gratuity is essential to get this one time lump sum benefit. Retirement gratuity is calculated @ 1/4th of a month's Basic Pay plus Dearness Allowance drawn before retirement for each completed six monthly period of qualifying service. The maximum retirement gratuity payable is 16½ times the Basic Pay, subject to a maximum of Rs. 20 lakh. If the Government Servant dies while in service, the death gratuity shall be paid to his family at rates furnished in the table below:

Sl. No.	Length of Qualifying Service	Rate of Death Gratuity
1.	Less than one year	2 times of emoluments
2.	One year or more but less than 5 years	6 times of emoluments
3.	5 years or more but less than 20 years	12 times of emoluments
4.	20 years or more	Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of emoluments.

(v) Encashment of Earned Leave:

The employees or in the event of their death during service their families are entitled to get the leave salary for the earned leave standing on their credit on the date of retirement/death, subject to a maximum of 300 days, as the case may be. With the implementation of recommendations of 6th Pay Commission, encashment of earned leave has been permitted during service also for 10 days in every two years subject to maximum 6 occasions in service.

(vi) Group Insurance Scheme:

This Scheme, which is compulsory to all Railway employees is provided at a low cost and on contributory and self-financing basis, the benefit of an insurance cover to help their families in the event of death in service.

A portion of the subscription is credited to the Insurance Fund and the other portion to the Saving Fund in the ration of 30:70. The amount of saying Fund with interest is payable to the employee on termination of his service, or to his family in the even of his death, in addition to the amount of insurance cover.

The rate of contribution and the amount of insurance vary for different class of employees as indicated below:

Group to which Employee belongs	Rate of monthly subscription (Rs.)	Amount of insurance cover (Rs.)
A	120	1,20,000
B	60	60,000
C	30	30,000
D	15	15,000

(vii) Compassionate appointment:

One member of Railway Employee's family viz. wife/son/daughter may be appointed on compassionate ground in relaxation of the normal recruitment rules to a Group 'C' or group 'D' post, when an employee dies in service, or on his being medically invalidated, leaving family in distress.

(viii) Complementary Passes:

The Railway employees after their retirement are entitled to the facility of post retirement complementary passes of the same class as they were entitled at the time of their retirement. Such passes are issued on the following scale:-

#	Qualifying Service	Gazetted Officer	Group 'C'	Group 'D'
1	With Service Of 20 years and above but less than 25 years	2 sets per year	One set per year	--
2	With service of 25 years or more	3 sets per year	2 sets per year	One set per year

In the event of their death either in service or after retirement their spouse and dependent family members get passes subject to a minimum of one pass every alternate year. The facility of this scheme to a widow shall cease after she remarries or becomes entitled for railway pass facilities on other grounds.

(ix) Retired Employees Liberalised Health Scheme:

Medical facilities at par with the serving employees are available for all retired Railway employees, their spouses and dependent family members. A one-time payment equal to one month's basic pay at the time of retirement is required to be made for availing facilities under this scheme.

4. Loans and Advances

In order to meet with his financial requirement for certain specific purpose, a Railway employee may get loan/advances either interest free or on interest at a very nominal rate. Some of the purposes for which loan/advance may be granted are given below indicating the eligibility, conditions as the amount of Loan/Advance.

#	Purpose	Eligibility Condition	Maximum Amount of loan/Advance
Interest-free (These advances are for non-gazetted employees)			
1	Festival Advance	Grade Pay upto Rs. 4800/-	Rs. 3,000/-
2	Natural Calamity Advance (e.g. Flood Advance)	Non-gaz. Employees whose movable/ immovable property has been damaged/lost in an area affected by natural calamity	Upto Rs.5,000/-
3	Bi-cycle advance	Grade Pay upto 2800/-	RS 3,000/- or anticipated cost whichever is less.
4	Warm clothing advance	All non gazetted employees posted at hill stations	Maximum Rs 3,000/-
Interest Bearing			
1	HBA (For construction of a house or purchase of a new flat)	Permanent employees with 10 years continuous service	50 month's basic pay or Rs 7.5 Lakh or cost of the house/ construction or repaying capacity whichever is least.
2	Personal Computer Advance	Pay Rs 8560/- or more	Rs 80,000/- or the anticipated cost whichever is less
3	Car Advance	Pay Rs 19,530/- or more	11 month's basic pay or anticipated cost or Rs 1,80,000 - whichever is less.
4	Motor Cycle / Scooter Advance	Pay Rs 8,560/- or more	Rs 30,000/- or the anticipated cost whichever is less.

5. Industrial Relations

Industrial Relations have assumed a great importance because of its far reaching consequences on production, productivity and economy of the country. Indian Railways are a labour intensive industry having a work force of nearly 13.86 lakh employees. The out put of this large work force depends directly on the degree of industrial peace prevailing. Thus to optimize the output of the work force, industrial peace is very essential.

In order to achieve optimum productivity, every organization has to avoid any dispute with its employees or resolve it as early as possible.

Two Federations comprising different unions viz, All Indian Railwaymen's Federation (AIRF) and National Federation of Indian Railwaymen (NFIR) have been recognised by the Ministry of Railways. Railway unions affiliated to these two Federations have also been given recognition at railway level.

5.1 With a view to maintain contact with the labour to resolve disputes and difference between labour and management and to maintain healthy industrial relations, the Railway Board have set up Machinery to have a periodical dialogue with both the recognized Federations which is called 'Permanent Negotiating Machinery'.

The machinery functions in three tiers as under:

(i) The Railway Level or Zonal Level: At this level, the meetings between the recognized union and Administration are held at Divisional level/workshop level and Zonal level. The cases which are not decided at Divisional/workshop level are referred at zonal level. Permanent Negotiation Machinery (PNM) meetings with each recognized union at divisional level is held once in two months, while at Headquarters level, it is once in a quarter.

(ii) The Railway Board level: The items connected with the policy matters e.g. grant of certain allowance, improvement in service conditions, etc. which cannot be decided at Zonal level, are taken up by the federation for discussion at Board's level in this forum. PNM meetings at Board's level are held twice with each Federation i.e. 4 meetings in a year.

(iii) The Tribunal level: Cases, in which agreement is not reached between the federation and the Railway Board and the matters are of sufficient importance, are referred to an adhoc Railway Tribunal composed of representatives from the Railway administration and labour presided over by a neutral Chairman.

5.2 Joint Consultative Machinery:

With a view to have harmonious relations between the Government (employer) and its employees in the matter of common concern, a machinery has been established which is known as "Joint Consultative Machinery (JCM). It may discuss matters relating to conditions of service, welfare of the employees, and improvement of efficiency and standard of work. JCM works in three tiers, viz. National Council, Departmental Council and the Regional Council.

(i) National Council: National Council deals with matters affecting all Central Government employees (including railwaymen) such as remuneration, dearness allowance and pay of certain

common categories. National Council is headed by the Cabinet secretary and consists of members from official side as well as from staff side.

(ii) Departmental Council: Departmental Council deals with matters affecting the staff in a particular Ministry. Departmental Council on Railways is headed by Member Staff consisting of members from official side as well as members from both the Federations together. Two such meetings are held in a year.

Matters which remain unsolved at the National Council or the departmental Council are referred to Compulsory Arbitration from each Council independently. Recommendations of the Board of Arbitration are binding on both sides.

6. Labour Laws

6.1 Workmen's Compensation Act, 1923:

This is an act to provide for the payment of compensation by the employer to their workmen (or in case of his death to his dependents) if a personal injury is caused to such workman by accidents arising out and in the course of his employment as a result of which he dies, or becomes disabled. The employer is not liable in respect of any injury, not resulting in death, caused by the accident due to the following reasons:-

- (i) Willful disobedience of an order given or framed for securing safety of workmen, or
- (ii) Willful removal or disregard of any safety device specifically provided for the purpose of securing the safety of workmen.

The amount of compensation varies depending upon the nature of disablement, i.e. whether it is partial or total disablement and whether it is of permanent nature or temporary nature.

6.2 Industrial Disputes Act, 1947:

This Act has been enacted with a view to maintain industrial peace. It provides for investigation and settlement of industrial disputes by means of conciliation, mediation or adjudication. The act aims to promote the growth of industry and protect the interests of workers.

Salient features of this Act are:

- i. Promotion of measures for security, amity and good relations between the employer and workers
- ii. Investigation and settlement of industrial dispute.
- iii. Prevention of illegal strikes and lock outs.
- iv. Relief to workmen in case of lay off, retrenchment and closure.
- v. Collective bargaining

Railway is an industry but Railway Schools and Railway training Schools are not covered under the provisions of Industrial Disputes Act. The disputes are referred to Labour Court for adjudication.

6.3 Factories Act, 1948:

Factories Act was introduced w.e.f. 1.4.49 to cover the labour employed in factories. It regulates the various obligations that an employer has to fulfill with regard to health, safety, medical care and welfare of his workers working in a Factory. The act also regulates the hours of work, minimum periods of rest and leave, and makes provision of extra wages in case of their employment beyond the prescribed duty hours.

Railway workshops and Production Units are covered by this act, but it does not extend to Loco sheds and Carriage & Wagon Depots.

6.4 Payment of Wages Act:

This Act aims at securing prompt and regular payment of wages without any arbitrary deductions to certain class of employees of Industrial establishment including Railways. It applies to the employees whose wages are less than Rs. 15000/ per month. Its main features are :-

- i. Payment of wages promptly and at regular intervals.
- ii. Payment of wages without any unauthorised deductions.
- iii. Deduction that can be made out of the wages e.g. loss incurred by him to the establishment, insurance paid on his behalf, loan/advance taken by him, accommodation, payment to the co-operative societies etc.
- iv. Fixation of wage period. It cannot exceed one month.
- v. Remedy for wages earned and not paid.

6.5 Minimum wages Act

This Act regulates the minimum rates of wages in order to prevent exploitation of unorganized labour. It lays down the procedure for regulating the hours of work, payment of wages including overtime promptly.

This act applies to the unorganized industries where the number of workers is very small. In so far as Railways is concerned the Act applies to the workers who are employed either departmentally or through contractors for construction maintenance and repair of the roads, construction and maintenance of buildings etc. The rates of wages are reviewed periodically.

6.6 Hours of employment Rules 1961

Hours of Employment Rules 1961 have been framed to regulate the hours of work and period of rest of Railway servants. "Hours of Employment" means the time during which an employee is at the disposal of the employer.

Hours of Employment Regulations apply to all non-gazetted Railway Servants including casual labour and substitutes except those governed under the Factories act, the Mines act, Minimum Wages Act and the Merchant shipping Act.

The Railway employees have been classified as under depending on the requirement of the

job:-

- (i) Intensive
- (ii) Essentially Intermittent
- (iii) Excluded; and
- (iv) Continuous

(i) Intensive: The employment of a railway servant is said to be intensive when it has been declared to be so on the ground that it is of a strenuous nature involving sustained attention or hard manual labour with little or no period of relaxation. Standard hours of duty for this category are 42 hours a week but not more than 45 hours.

(ii) Essentially Intermittent: The staff whose daily hours of duty includes periods of inaction aggregating to 6 hours or more during which although they are required to be on duty but are not called to display either physical or sustained attention are declared as Essentially Intermittent Staff such as waiting room bearers, sweepers, caretakers of rest houses and reservoirs, saloon attendants and Bungalow peons etc. Standard hours of duty for this category are 48 hours but not more than 75 hours.

(iii) Excluded: Employment of a railway servant is said to be “excluded”, if he belongs to any one of the following categories of staff.

- (a) Staff employed in a confidential capacity or supervisory staff.
- (b) Armed Guard or staff of RPF
- (c) Teaching Staff of Railway Schools
- (d) Certain para-medical Staff.

There is no statutory maximum limit for hours of employment of such staff.

Staff: Stenos, PWI, IOW, Foremen, TXRs, RPF staff, Midwives, Health Visitors, School teachers etc.

(iv) Continuous staff: Staff who have not been classified as Intensive”, Essentially Intermittent” or “Excluded” are continuous workers. Standard hours of duty for this category are 48 hours but maximum are 54 hours.

Staff: Office staff, Parcel clerks, Reservation Office staff, Guards, Drivers, Train Clerks etc.

7. Employee Discipline

No organisation, industry or enterprise can achieve its objectives, and be productive unless its employees are disciplined and observe the norms of conduct. Railways are a vast organisation having a large workforce of diverse duties, belonging to different departments, who interact with each other to achieve a common objective. To maintain order and discipline amongst its employees and to motivate them, two important regulatory means available with Railways are:- (i) Railway Services Conduct Rules 1966, and (ii) Railway Servants (Discipline & Appeal) Rules, 1968.

7.1 Conduct Rules:

All Railway employees are governed by the Railway Services Conduct Rules, 1966.

These conduct rules briefly are:-

1. General: Every Railway servant shall at all time
 - (i) maintain absolute integrity;
 - (ii) maintain devotion to duty, and
 - (iii) do nothing which is unbecoming of a railway servant.
2.
 - (i) Every railway servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all railway servants working under him.
 - (ii) No Railway servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than as per his best judgement except when he is acting under the direction of his official supervisor.
 - (iii) The direction of the official superior shall ordinarily be in writing and where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter; and
 - (iv) A railway servant who has received oral direction from his official superior, shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.
3. Promptness and Courtesy: No railway servant shall in the performance of his official duties act in a discourteous manner while dealing with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of work assigned to him.
4. Observance of Government's Policies: Every railway servant shall, at all times, act in accordance with the Government policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage, and shall observe Government's policies regarding prevention of crime against women.
5. Prohibition of sexual harassment of working women: No railway servant shall indulge in any act of sexual harassment of any woman. Every railway servant who is in-charge of a workplace shall take appropriate steps of prevent sexual harassment to any women at such workplace.
6. Employment of near relatives: No railway servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm. No Group 'A' Officer, except with prior sanction of Government, shall permit his son, daughter, or any member of his family to take up employment in any company or firm with which he has official dealings or in any other company or firm having official dealings with the Government.

7. Taking part in politics and elections: No railway servant shall be a member of, or associated with any political party. Railway Servant shall prevent any member of his family from taking part in any activity which is subversive of the Government. A Railway servant can, however, take part in the duty assigned for conduct of election and can vote in such election.
8. Joining of Associations or Union by Railway Servants: No railway servant shall join or be a member of any association or union, objects and activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.
9. Demonstrations: No railway servant shall participate in any demonstration prejudicial to sovereignty and integrity of India, security of state, friendly relations with foreign states, public order, decency or morality or which involves contempt of Court defamation or incitement to an offence.
10. Connection with Press and Media: No railway servant shall, except with the previous sanction of Government, or in bona fide discharge of his official duties, conduct, or participate in the editing and management of, or own, any newspaper/periodical. No permission is, however, required if the newspaper/periodical is of purely literary or scientific character.
11. Criticism of Government: No railway servant shall criticise adversely any current or recent policy of action of the Government, through Press, Media or any other means of communication.
12. Evidence before a Committee or Authority: No servant shall, except with previous sanction of government or in the bona fide discharge of his duties, give evidence before any inquiry conducted by a person, committee or authority, and shall not criticise policy or action of Government in such evidence.
13. Unauthorised communication of information: No railway servant shall except in accordance with any general or special order of the Government or in the performance in good faith of his duties, communicate directly or indirectly any official document or information to any unauthorised person.
14. Subscription: No Railway servant shall except with the previous sanction of Government, ask for or accept contributions or raise funds or associate with activity in pursuance of any object what-so-ever.
15. Gift: Except as provided in the rules , no railway shall accept or permit any member of his family to accept any gift . He should avoid lavish or frequent hospitality from a person/firm having official with him. On ceremonies such as weddings, anniversaries, a railway servant may accept gifts upto the permissible value. No railway servant shall accept any gift from any foreign firm which is either contracting with the Government of India or with which the railway servant is having or likely to have official dealings.
16. Dowry: No railway servant shall give, take or abet in giving or taking, or demand directly

or indirectly dowry.

17. Public demonstration in honour of railway servants: No railway servant shall except with the previous sanction of Government accept any public reception or testimonial, held in his honour, or shall attend such meeting held in honour of another Government servant. This rule does not apply to a farewell function on retirement/transfer and simple inexpensive entertainment arranged by public bodies or an institution.
18. Private trade or employment: No Railway servant shall, without the previous sanction of Government, engage in any trade or business, or undertake any other employment, or hold an elected office, or canvass in support of any business, agency etc. owned or managed by any member of his family. He may, however, undertake honorary work of a social or charitable nature, or undertake occasional work of literary, artistic, scientific, or of sports character.
19. Sub-letting and vacation of Government accommodation: No Railway servant shall sub-let, lease or otherwise allow occupation of government accommodation allotted to him, or to any other person. He shall vacate government accommodation within time limit, after cancellation thereof.
20. Investment, lending and borrowing: (i) No railway servant shall speculate in any stock, share or other investment. He shall not make or permit any member of his family to make any investment which is likely to embarrass or influence him in the discharge of his official duties.

(ii) No railway servant shall lend or borrow money from and person etc. with whom he is having or likely to have official dealings. He shall not lend money to any person on interest.
21. Insolvency and Habitual Indebtedness: A railway servant shall so manage his affairs as to avoid habitual indebtedness or insolvency. If there are any legal proceedings against him in this regard, he shall forthwith report full facts of such proceedings to the government.
22. Movable, Immovable and Valuable Property: (i) Every railway servant on his first appointment shall submit to the government a return of his immovable property, shares, debentures, cash, other moveable property, inherited, owned or acquired by him, and held in his own name or in the name of any member of his family. He shall also give details of debts and other liabilities incurred by him.

A Group 'A' or 'B' railway servant shall submit annual return of property in the form as prescribed by the Government.

(ii) No railway servant, except with the previous knowledge/sanction of the Government, acquire or dispose of any immovable property in his own name or in the name of any member of his family.
23. Vindication of Acts and Character of Railway servant: No railway servant shall except

with the previous sanction of the Government, have recourse to any court or to the Press for the vindication of any official act which has been subject matter of adverse criticism or an attack of a defamatory character. This rule does not, however, apply to vindicating his private character or any act done in his private capacity.

24. Canvassing or bringing influence: No railway servant shall bring or attempt to bring any political or other influence to further his interests in his service matters.
25. Restrictions regarding marriage: No railway servant shall enter into, or contract a marriage with a person having spouse living. Similarly no railway servant having a spouse living shall enter into or contract a marriage with a person. A railway servant who has married a foreigner shall forthwith intimate the fact to the Government.
26. Consumption of intoxicating drinks and drugs: A railway servant shall strictly abide by the law relating to intoxicating drinks or drugs while on duty. He should refrain from consuming such drinks/drugs at a public place.
27. Employment of Children below 14 Years: No railway servant shall employ to work any child below the age of 14 years.

7.2. The Railway Servants (Discipline & Appeals) Rules, 1968

The discipline and Appeal Rules which are called "Railway Servants" (Discipline and Appeal) Rules, 1968", apply to all Railway servants except casual labour, members of Railway protection Force.

7.2.1 Under these rules, following penalties can be imposed on a Railway servant by the competent authority for good and sufficient reasons, after following due procedure as prescribed in aforesaid rules.

Minor Penalties:

- i. Censure
- ii. Withholding of promotion for a specified period.
- iii. Recovery from pay of the whole or part of any pecuniary loss caused by Railway servant to govt. or Railway administration by negligence or breach of orders.
- iii.a Withholding of privilege Passes or Privilege Ticket Orders or both.
- iii.b Reduction to a lower stage in the time scale of pay for a period not exceeding 3 years without cumulatively effect and not adversely affecting the pension.
- iv. Withholding of increment of pay for a specified period with further directions as to whether on the expiry of such period this will or will not have the effect of postponing the future increments.

Major Penalties:

- v. Save as provided for in clause (iii-b) reduction to a lower stage in the time-scale or pay

for a specified period, with further directions as to whether on the expiry of such period, the reduction will or will not have the effect of postponing future increments;

- vi. Reduction to a lower time scale of pay, grade, post or service, with or without further directions regarding conditions of restoration to the grade or post or service from which the Railway servant was reduced and his seniority and pay on such restoration to that grade, post or service.
- vii. Compulsory retirement
- viii. Removal from service which shall not be a disqualification for future employment under the government or Railway Administration.
- ix. Dismissal from service which shall ordinarily be a disqualification for future employment under the Government or Railway Administration;

All these penalties are subject to the constitutional safeguards and, therefore, procedure for their imposition is elaborate. The procedure is basically designed to observe the principles of natural justice and afford a reasonable opportunity to the delinquent railway servant to defend himself against the charges.

7.2.2 Procedure for imposing Minor penalties:

- (i) First step is to frame and communicate specific charges against the employee indicating the misconduct alleged to have been committed.
- (ii) The disciplinary authority will consider the defence of the Railway servant and where considered necessary shall appoint an Inquiry Officer to hold the inquiry in the prescribed manner.
- (iii) After considering the reply of the Railway servant, if it is decided to impose any of the minor penalties without holding the enquiry, the disciplinary authority shall pass appropriate orders regarding imposition of certain minor penalties. However, enquiry is essential in case of imposition of certain minor penalties also.
- (iv) Orders made by the disciplinary authority shall be communicated to the Railway Servant informing him of the brief reasons for the final decision regarding the charge.

7.2.3 Procedure for imposing Major Penalties:

- (i) The Charged Officer (railway servant) should be served with a Memorandum of charges together with a statement of imputations of misconduct or misbehaviour, alongwith a list of documents and a list of witnesses, if any, in support of charges. The Charged Officer shall also be given reasonable time and opportunity to reply to the charges.
- (ii) The Railway Servant, for the purpose of his defence, may ask to inspect the documents referred to in the charge sheet.

- (iii) On receipt of the written statement of defence, the Disciplinary Authority shall consider the same and decide whether the inquiry should be proceeded.
- (iv) Where the Disciplinary Authority decides to proceed with the inquiry it may itself inquire into such of the articles or charges as are not admitted by the charged officer or appoint any other authority for the purpose.
- (v) The Disciplinary Authority may also appoint a railway or any other Government servant as presenting officer to present on its behalf the case in support of the articles of charge before the inquiry authority.
- (vi) The Inquiry Officer, on receipt of all necessary papers, shall fix date for preliminary hearing and intimate the same to charged officer, presenting officer etc. In the Preliminary hearing, the charged official shall be asked if he admits or does not admit the charges. Inquiry shall be held only in respect of the charges as are not admitted. Other modalities about the enquiry shall also be decided in the preliminary hearing.
- (vii) The Charged Officer may represent his case with the assistance of any other railway servant, including a retired railway servant.
- (viii) On the date fixed for inquiry, the evidence in support of the charges shall be produced. The witnesses shall be examined by the Presenting Officer and may be cross examined by the Railway servant. The inquiring authority may also put such questions to witnesses as it thinks fit.
- (ix) When the case for the Disciplinary Authority is closed, the charged officer shall submit his defence, orally or in writing and with the help of documents & witnesses who will be cross examined by Presenting Officer.
- (x) The inquiring authority, may, after completion of the evidence, ask the Presenting Officer and the Charged Officer to file written briefs of their respective cases.
- (xi) On conclusion of the enquiry, the Inquiry Officer shall record his report containing his finding on each article of charge. The Inquiry Officer shall submit the complete report to the Disciplinary Authority.
- (xii) If the Disciplinary Authority after consideration of the enquiry report arrives at the decision to impose any of the major penalties, the Railway servant will be supplied a copy of the enquiry report together with the brief reasons for its disagreement, if any, giving him an opportunity of making a representation in his defence.
- (xiii) Disciplinary Authority will pass final order keeping in view the entire case record including representation from the Railway servant. This shall be communicated to the Charged Officer indicating the designation of the Appellate Authority.

7.2.4 Under the following circumstances the prescribed procedure need not be followed:

- i. Where a penalty is imposed on the ground of the conduct which has led to conviction on criminal charge.

- ii. When it is not reasonably practicable to hold an inquiry in the prescribed manner.
- iii. Where in the interest of the security of the State, it is not expedient to hold an enquiry.

7.2.5 Appeal:

A Railway servant may prefer an appeal against the orders of the disciplinary authority. The appellate authority shall pass appropriate orders on the appeal confirming, enhancing, reducing or setting aside the penalty. Period of limitation for such appeal is 45 days from the date on which the order appealed against is delivered to the appellant.

7.2.6 Revision:

Even after disposal of appeal, or having failed to avail of appeal facility, further departmental remedy is available by way of Revision.

The competent Revising authority may at any time either on its own or on the request of the employee call for the records and pass orders to confirm, reduce, enhance or set aside the penalty already imposed or pass such orders as it may deem fit.

7.2.7 Review: The President may, at any time, either on his own motion or otherwise review any orders passed under these rules, when any new material or evidence, which has the effect of changing the nature of the case, has come or has been brought to his notice.

7.2.8 Suspension:

A Railway Servant is placed under suspension in order to keep him out of duty temporarily pending final action against him for criminal offence misconduct, indiscipline etc. Suspension may be resorted to when disciplinary proceedings are contemplated or pending or when a case in respect of any criminal offence is under investigation or trial, or for engaging in activities prejudicial to the interest of security of state.

A Railway servant is deemed to have been placed under suspension when a railway servant is detained in custody for a period exceeding 48 hours or is sentenced to a term of imprisonment exceeding 48 hours.

The initial period of suspension will be upto 90 days. The period of suspension can be extended by a maximum of 180 days in each spell on the recommendation of a committee constituted by the Appellate Authority for this purpose. The committee shall consist of the authority who placed the railway servant under suspension and two more authorities of equivalent or higher rank.

A suspended official is entitled for the first 3 months of his suspension to subsistence allowance equal to leave salary on half pay. Thereafter, it may be increased upto 50% of the initial amount if suspension is prolonged due to the reasons not attributable to him. On the other hand it may be decreased upto the same extent, if the railway servant is held responsible for the prolongation of suspension period.

8. Official Language

Article 343 of the Constitution lays down that the official language of the Union shall be Hindi

in Devnagari script. Parliament enacted the Official language Act, 1963 permitting use of English language in addition to Hindi for all official purposes of the Union and for transaction of business in Parliament. Official Language Rules, 1976 were issued for carrying out the purpose of the above act.

Regular provisions have been made in the act and the Rules for the progressive use of Hindi for the Official purposes. Based on these provisions, an annual programme to encourage progressive use of Hindi in the ministries is drawn.

It has, therefore, been necessary for all the central Govt. employees to have sufficient knowledge of Hindi. With this aim in view, a scheme of organizing Hindi classes for Central Govt. employees was chalked out. In-service learning of Hindi was made obligatory for all Central Govt. employees, who have no working knowledge in Hindi. They are provided various facilities to learn Hindi upto High School standard so as to facilitate smooth switch over to the use of Hindi for official purposes.

Official Language directorate has been functioning in the Railway Board's office to monitor the progressive use of Hindi on Railways. In keeping with the provisions of the act and the Rules, Railway has been taking keen interest in popularizing use of Hindi.

All the existing Acts and Laws as well as Code books manual etc. have been translated in Hindi. A Railway Hindi Terminology sub-committee was also set up to compile Hindi equivalents of technical terms used in various departments of Indian Railways. It has also been decided that all circulars relating to staff matters as well as administrative instructions and general orders should be issued in English and Hindi simultaneously.

Many individual and group awards and incentive schemes have been instituted to encourage railway employees to acquire proficiency in Hindi Language. Prominent among them are the individual Rajbhasha Cash Awards, Rly. Minister's Hindi Essay Competition, Prem Chand and Maithilsharan Gupta Prizes, and various education and noting/drafting cash prizes.

Incentives are granted to the Railway employees for acquiring proficiency or on passing Hindi examinations (Language, Typewriting and stenography examinations) through one's own effort or by under going training at the centres organised under the Hindi Teaching Scheme. Following incentives are available for Railway Employees under the above scheme:-

- (i) Cash Awards for passing the examination through training classes under Hindi Teaching Scheme.
- (ii) Lump sum award for passing the examination through own efforts.
- (iii) Grant of personal pay equal to one increment for a period of 12 months for passing Hindi Language/Typewriting/Stenography examination and obtaining the prescribed marks.
- (iv) Grant of advance for payment of fee for acquiring training in Hindi stenography/Typewriting at private institutions.

- (v) Supply of free text books to candidates for examination under Hindi Teaching scheme
- (vi) Cash awards to officers for giving dictation In Hindi.

As a result of concerted efforts, all the Railway employees have obtained working knowledge of Hindi.

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