

MASTER CIRCULAR

Master Circular No. 21

Resignation from Railway Service

CONTENTS

Part I

1. [Introduction](#)
2. [Case in which Enquiry or Investigation is pending](#)
3. [When penalty of Dismissal or Removal is Contemplated](#)
4. [Government Personnel deputed on ITEC assignments](#)
5. [Railway servant working on an Important Post](#)
6. [Date of Resignation](#)
7. [Re-employment of Resigned Person](#)
8. [Forfeiture of Past Service](#)
9. [Resignation from service, to take up employment under the Government](#)
10. [Conditions for Withdrawal of Resignation in Public Interest](#)
11. [Other Conditions](#)
12. [Authorities Competent to Accept Resignation](#)
13. [Provisions of I.R.E.C. Vol. I](#)
14. [General](#)

Master Circular No. 21

RESIGNATION FROM RAILWAY SERVICE

At present, the orders relating to acceptance of resignations tendered by Railway servants are contained in a number of office circulars/orders issued from time to time. The question of consolidation of these existing orders/circulars into one Master Circular has been under consideration of the Ministry of Railways, Railway Board. They have now decided to issue a consolidated order on the subject as below for the information and guidance of all concerned:

2. In case a Railway servant against whom an enquiry or investigation is pending (whether he has been placed under suspension or not) submits his resignation, such resignations should not normally be accepted. Where, however, the acceptance of resignation in such cases is considered necessary in the public interest, the same may be accepted with the prior approval of the authority competent to dismiss the Railway servant concerned provided one or more of the conditions laid down below are fulfilled;

a. where the alleged offences do not involve moral turpitude ;

OR

b. where the evidence against the delinquent officer is not strong enough to justify the assumption that if the departmental proceedings were continued the officer would be removed or dismissed from service ;

OR

c. where the departmental proceedings are likely to be so protracted that it would be cheaper

to the public exchequer to accept the resignation.

[\[E\(NG\)II/70/RG/1 dated 24.06.1972\]](#)

3. In cases in which a Railway servant has committed an offence for which the penalty is dismissal or removal from service, his resignation should not be accepted.

[\[Para 302 of IRE Code Vol. I\]](#)

4. Persons deputed to UN agencies and other International organisations or those on bilateral assignments may resign from service without returning to India and to their parent departments if they choose to continue on foreign assignment. Government personnel deputed on ITEC assignment cannot resign while serving abroad as the Government of India in the Ministry of External Affairs bears the salary and other expenses of such persons.

5. When a Railway servant working on an important post resigns and it would take time to make alternative arrangements for filling the post, the resignations should not be accepted immediately but only when alternative arrangements for filling the post have been made.

[\[Para 302 IRE Code Vol. I;](#)

No. [E\(NG\)65/RG1/36 dated 26.10.1966](#)

and [E\(NG\)65/AG1/2 dated 30.06.1966\]](#)

6. A resignation should not be accepted from a date earlier than the date on which the letter of resignation is submitted.

[\[E\(NG\)II/71/RG/1 dated 17.09.1971\]](#)

7. A person who had resigned may be re-employed in rare cases but the re-employment should be in the post or in the channel of promotion in which the person was serving previously. The person concerned should be specifically warned at the time of re-employment that the appointment is entirely a fresh one and that he is not entitled to any benefits or privileges of his past service. Therefore, such persons should not be asked to refund settlement dues. It should be clearly mentioned in the offer that the appointment is purely a temporary one and that he should take his seniority with the other temporary / officiating employees in the Grade. All such cases of re-employment should be approved by an officer of at least Junior Administrative Grade.

[\[E52 RC1/55/3 dated 14.03.1955\]](#)

8. Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the competent authority, entails forfeiture of past service.

[\[F\(E\)III/77/PN1/11 dated 05.08.1977\]](#)

9. A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, under the Government, where service qualifies. Interruptions in service due to the two appointments being at different stations, not exceeding the joining time permissible, under the rules of transfer, shall be governed by grant of leave of any kind due to the employee on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

[\[F\(E\)III/77/PN1/11 dated 05.08.1977\]](#)

10. The authority competent to accept the resignation may permit a person to withdraw his resignation in the public interest on the following conditions:

- i. that the resignation was tendered by the Railway servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal has been made as a result of a material change in the circumstances which compelled him to tender his resignation originally;
- ii. during the intervening period between the date of his resignation and the withdrawal, the conduct of the person was not improper;

- iii. that the period of absence from duty between the date on which the resignation became effective and the date on which a person was allowed to resume duty as a result of permission granted for withdrawal of resignation, is not more than 90 days ;
- iv. that the post, which was vacated by the person or any other comparable post is available ;
- v. withdrawal of a resignation shall not be accepted where a Railway servant resigns his service or post with a view to take up a private employment or in a company wholly or substantially owned or controlled by the Government or under a body controlled or financed by the Government; and
- vi. when an order is passed by the competent authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include condonation of interruption in service but the period of interruption shall not count for qualifying service.

[[F\(E\)III/77/PN1/11 dated 05.08.1977](#)]

11. The provision at Para 9 is not applicable in the case of resignations prior to 01.04.1957.

12. Subject to the above:

- a. the resignations of Group "A" & "B" Railway servants, other than those holding Administrative posts, serving on Railways may be accepted by the G.M. The acceptance of resignations of all other Group "A" servants shall require the sanction of the President and hence, should be referred to the Railway Ministry.
- b. the resignations of a Group "C" & "D" Railway servant may be accepted by the authority competent to fill the post held by him.

[[Para 302](#) of IREC Vol. I]

13. In this connection, attention is also invited to the provisions contained in [Chapter 3](#) of the Indian Railway Estt. Code Vol. I.

14. General:

- a. While referring to this Circular, the original letters referred to herein should be read for a proper appreciation. This Circular is only a consolidation of the instructions issued so far and should not be treated as a substitution to the originals. In case of doubt, the original circular should be relied upon as authority.
- b. The instructions contained in the original Circulars referred to have only prospective effect from the date of issue unless specifically indicated otherwise in the concerned circular. For dealing with old cases, the instructions in force at the relevant time should be referred to; and
- c. If any circular on the subject, which has not been superseded, has not been taken into consideration in preparing this consolidated letter, the said circular, which has been missed through oversight, should be treated as valid and operative. Such a missing circular, if any, may be brought to the notice of the Railway Board.

Original Orders/Circulars from which Consolidation has been made

1. [E52 RC1/55/3 dated 14.03.1955](#)
2. [E\(NG\)61/AG1/3 dated 23.08.1963](#)
3. [E\(NG\)65/AG1/2 dated 18.04.1966](#)
4. [E\(NG\)65/AG1/2 dated 30.06.1966](#)
5. [E\(NG\)65/RG1/36 dated 26.10.1966](#)
6. [E\(NG\)II/71/RG/1 dated 17.09.1971](#)
7. [E\(NG\)II/70/RG/1 dated 24.06.1972](#)
8. [E\(NG\)II/76/RG/1 dated 12.01.1977](#)
9. [F\(E\)III/77/PN1/11 dated 05.08.1977](#)

Orders issued subsequently

1. Supplementary Circular No. 1 to Master Circular No. 21. [E\(NG\)I/91/RG1/1 dated 27.12.1991](#) (RBE 223/91).
2. Supplementary Circular No. 2 to Master Circular No. 21. [E\(NG\) I/91/RG1/1 dated 30.4.1992](#) (RBE 66/92)
3. Supplementary Circular No. 3 to Master Circular No. 21. [E\(NG\)I/92/RG/2 dated 18.05.1992](#) (RBE 79/92)
4. Supplementary Circular No. 4 to Master Circular No. 21. [E\(NG\)I/94/RG/2 dated 30.12.1994](#) (RBE 119/94).
5. Supplementary Circular No. 5 - not advisable to reappoint a person who had resigned to contest an election vide Railway Board's letter No. [E\(NG\)I-96/RG1/1 dated 17.02.1997](#) (RBE 28/1997).

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

No. E(NG)II/70/RG/1 dated 24/06/1972

Subject :- Resignation from service-procedure in respect of.

Reference Railway Board's letter No. [E\(NG\)/64/RG1/36 dated 26.10.1966](#) under which the Ministry of Home Affairs O.M. No. 39/6/57-Estt(A) dated 06.05.1958 was forwarded and Board's clarifications contained in their letters No. E(NG)64/RE 1/36 dated 20.11.1967 and E(NG)/64/RE1/36 dated 15.01.1968.

2. It has inter alia been provided in para 1(b) (ii) of the Ministry of Home Affairs O.M. referred to above that as officers are placed under suspension only in cases of grave delinquency, it would not be correct to accept resignation from an officer under suspension except where the alleged offences do not involve moral turpitude or where the evidence against the delinquent officer is not strong enough to justify the assumption that if the departmental proceedings were continued, the officer would be removed or dismissed from service or where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.

3. The Estimates Committee in their 87th Report (Fourth Lok Sabha) on the Ministry of Foreign Trade have recommended inter alia that where investigations, whether preliminary or regular, are pending against a Government employee, he should not be allowed to resign till he is cleared of the charges.

4. The Board have considered the above recommendation and have decided that in case a Railway servant against whom an enquiry or investigation is pending (whether he has been placed under suspension or not) submits his resignation, such resignation should not normally be accepted. Where, however, the acceptance of resignation in such a case is considered necessary in the public interest, because one or more of the conditions laid down in paragraph 2 above, are fulfilled, the resignation may be accepted with the prior approval of the authority competent to dismiss the Railway servant concerned as already provided in Rule 150 (1)-RI.

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

IREC Vol. I - Cheptar 3 - Rule 302

Subject :- TERMINATION OF SERVICE - 302. Resignation

302. Resignation

1. In no circumstances shall the resignation of a railway servant whose conduct is under investigation be accepted without the sanction of the authority competent to dismiss him. In cases in which a railway servant has committed an offence for which the penalty is dismissal or removal from service, no suggestion should be made to him to tender his resignation.
2. Subject to the provision of Sub-rule (1) the resignations of Group A & B railway servants, other than those holding administrative posts, serving on railways may be accepted by the General Manager. The resignation submitted by Group 'A' probationers of different services undergoing probationary training in various Centralized Training Institutes to join I.A.S., I.F.S. etc. may be accepted by the Heads of Centralized Training Institutes where their probationary training has been centralized.

Amended vide Railway Board's letter No. [E\(Trg.\)2004\(13\)/2, dated 8.12.2004](#) (RBE 249/2004)

Subject to the provisions of sub-rule (1) the resignation of Group A & B railway servants, other than those holding administrative post, serving on railways may be accepted by the General Manager. The acceptance of resignation of all other Group A railway servants shall require the sanction of the President. All such resignations of Group A & Group B railway servants on Indian Railways/Production Units shall be reported to the railway Ministry.

Railway Ministry's decision.—When a Railway servant working on an important post resigns and it would take time to make alternative arrangements for filling the post, the resignation should not be accepted immediately, but only when alternative arrangements for filling the post have been made.

(Railway Ministry's letters No. E(NG)64RE 1/36 dated 26-10-66 and E(NG)65 AG dated 30-6-66.)

3. Subject to the provisions of Sub-rule (1), the resignation of a Group C & D Railway servant may be accepted by the authority competent to fill the post held by him at the time of resignation.

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

No. E(NG)65/RG1/36 dated 26/10/1966

Subject :- Resignation from service - Procedure in respect of.

A copy of Ministry of Home Affairs O.M. No. 39/6/57-Ests(A), dated 06.05.1958 is sent herewith for information and guidance. Instructions contained therein apply mutatis mutandis to all Railway servants.

Copy of Ministry of Home Affairs Memorandum No. 39/6/1957-Ests(A) dated 06.05.1958
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Subject: Resignation from service - Procedure in respect of.

Questions have been raised from time to time regarding the authority competent to accept a resignation, the circumstances under which resignation should be accepted, the date when a resignation becomes effective, and the authority competent to permit a Government servant to withdraw a resignation, which he has already tendered. The following instructions are, therefore, issued for information and guidance of all Ministries: —

- a. **Authority competent to accept resignation:** The appointing authority in respect of the service or post in question is the authority competent to accept the resignation of the Government servant.
- b. **Circumstances under which resignation should be accepted:** It is not in the interest of the Government to retain an unwilling officer in service. The General rule, therefore, is that a resignation from service should be accepted except in the circumstances indicated below:
 - i. where the officer concerned is engaged on work of importance and it would take time to make alternative arrangements for filling the post, the resignation should not be accepted straight away, but only when alternative arrangements for filling the post have been made.
 - ii. where a Government servant who is under suspension submits a resignation, the competent authority should examine with reference to the merits of the disciplinary case pending against the Government servant, whether it would be in the public interest to accept the resignation. Normally as officers are placed under suspension only in cases of grave delinquency, it would not be correct to accept a resignation from an officer under suspension. Exceptions to this rule would be where the alleged offences do not involve moral turpitude or where the quantum of evidence against the accused officer is not strong enough to justify the assumption that if the departmental proceedings were continued, the officer would be removed or dismissed from service, or where the departmental proceedings are likely to be so protected that it would be cheaper to the public exchequer to accept the resignation.
- c. **Date when a resignation becomes effective:** The competent authority should decide the date with effect from which the resignation should become effective. In cases covered by (b) (i) above, the date should be that with effect from the alternative arrangements can be made from filling the post. Where an officer is on leave, the competent authority should decide whether he will accept the resignation with immediate effect or with effect from the date following the termination of the leave. Where a period of notice is prescribed which a Government servant should give when he wishes to resign from service, the competent authority may decide to count the period of leave towards the notice period. In other cases also, it is open to the competent authority to decide whether the resignation should

become affective immediately or with effect from some prospective date. In the latter case, the date should be specified.

- d. **Authority competent to permit withdrawal of resignation:** A resignation becomes effective when it is accepted and the officer is relieved of his duties. Where a resignation has not become effective and the officer wishes to withdraw it, it is open to the authority which accepted the resignation either to permit the officer to withdraw the resignation or to refuse the request for such withdrawal. Where, however, a resignation has become effective, the officer is no longer in Government service and acceptance of the request after condoning the period of break, as this would involve financial commitments, concurrence of the Ministry of Finance should be obtained before a request for withdrawal of resignation which has already become effective is accepted.

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

No. E. 52 RC 1/55/3 dated 14/03/1955

Subject :- Re-employment in Class-III categories.

In supersession of the Board's orders contained in their letter of even number dated 13th February, 1953, as clarified from time to time, it has been decided that there is no objection to the re-employment of persons who had resigned or prematurely retired but such re-employment, except in rare cases, should be in the post or in the channel of promotion in which the person was serving previously. Also such re-employment should, in the first instance, be in a temporary capacity and the person should take his seniority for the purpose of confirmation with other temporary/ officiating employees in the grade. The person concerned should be specifically warned at the time of his reappointment that the new appointment is an entirely fresh one, that it does not imply any continuity of service with the previous employment, and that no benefits or privileges will accrue on account of the man's previous service. A person thus re-employed temporarily should not be required to refund his P.F. money on his confirmation as he will not count his previous service for any purpose.

2. The Board have also decided that it is not necessary to get the concurrence of the Chairman, Railway Service Commission, concerned for re-employment of the staff but with a view to check any unnecessary re-employment all cases of re-employment should be approved by an officer of at least Junior Administrative rank.

3. The Board have also decided that the six monthly statements showing the details of employees re-employed on the Railway Administrations may be discontinued but they may be furnished with an annual return for each financial year, of numbers of persons thus reemployed. In this return the figure of prematurely retired staff should be shown separately. The return will be further sub-divided to show the numbers employed in technical categories, in office clerical posts, on the line in the Traffic and Mechanical (Power) Departments and in miscellaneous jobs. It should also contain a remark to the effect that the re-employment of superannuated men has been ordered only in categories where there is a shortage of trained and/or qualified persons. Accordingly the statement for the year 1954-55 may be submitted to the Board by 31st May, 1955 and so on every year in future.

4. As regards the re-employment of persons who are on L.P.R. or superannuated, your attention is invited to the order contained in Board's letter No. F(E)52 LE 1 /11 dated 12.09.1952 and E 53 AP1/3/2 dated 22.06.1953.

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

No. E(NG)II/71/RG/1 dated 17/09/1971

Subject :- Resignation from Railway Servants procedure regarding.

Attention is invited to Railway Board's letter No. [E\(NG\)64 RG1/36, dated 26.10.1966](#) with which a copy of the Ministry of Home Affairs' O.M. No. 39/6/57-Ests(A) dated 6th May 1958 was circulated. The orders contained in paragraph 1(c) of the Ministry of Home Affairs' O.M. referred to above, provide that it is open to the competent authority to decide whether the resignation should become effective immediately or w.e.f. some prospective date.

2. A doubt has been raised whether acceptance of resignation is always obligatory with immediate effect/prospective date or it is also open to the competent authority to accept resignation with retrospective effect under certain circumstances, e. g. when the resignation is submitted on, say, 01.01.1971 but the request is considered by the competent authority only on 20.01.1971 or when a railway servant remains absent from duty, say from 01.03.1970 but subsequently submits resignation on 01.04.1971 with a request for retrospective acceptance from 01.03.1970 (or any later date falling before 01.04.1971).

3. The Board have considered the matter in consultation with the Department of Personnel and it is clarified that the intention is that a resignation should not be accepted from a date earlier than the date on which the letter of resignation is submitted. Accordingly, in the first and the second example the competent authority may accept the resignation from 01.01.1971 and 01.04.1971 respectively or from a later date if any, specifically indicated by a railway servant but in no case earlier than from the date of the letter of resignation.

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

No. E(NG)II/76/RG/1 dated 12/01/1977

Subject :- Acceptance of resignation tendered by Railway servants while on foreign assignment to International Organisations and Foreign Governments.

A copy of an Office Memorandum No.7/18/76-FAS dated 02.06.1976 received from the Department of Personnel & Administrative Reforms on the above subject is sent herewith. The Ministry of Railways have decided that the instructions contained therein shall apply mutatis mutandis to Railway servants also who are on deputation abroad to International Organisations/Foreign Governments.

Copy of Department of Personnel and Administrative Reforms O.M. No. 7/18/76-FAS dated 02.06.1976.

Subject: Assignment of Indian Personnel to International Organisations / Foreign Governments - Acceptance of their resignations while serving abroad.

It is the current policy of the Government of India that Government servants on deputation abroad, to international organisations or foreign governments, who wish to resign from service should return to India and join their parent organisations in this country before their resignations can be accepted. This has been considered necessary (i) in order that the experience the officer gains while abroad is utilised in India, (ii) to rotate our officers in assignments abroad in the interests of a wider distribution of opportunities and (iii) as a measure of control, to discourage our officers from pursuing their own private, as distinct from the national, interests while on deputation abroad.

2. This policy has been followed regularly in the case of Central Government employees. In the case of employees of State Governments and employees of various quasi-government organisations, this Department has, when seeking the release of an officer for deputation abroad, been advising both the State Governments and the officer himself of this policy. However, as instances of State Governments accepting resignations from officers abroad on foreign assignment have come to notice, it is requested that suitable general instructions may kindly be issued to all concerned including the quasi-government organisations you deal with. It will also be appreciated if copies of the instructions issued are endorsed to this Department for our information and record.

3. By way of clarification, it may be added here that the Government of India are not imposing any restriction on the right of an officer to retire voluntarily, if he is eligible to do so.

INDIAN RAILWAY ESTABLISHMENT CODE VOLUME - I

CHAPTER 3

TERMINATION OF SERVICE

[301. Termination of service and period of notice](#)

[302. Resignation](#)

[303. Discharge on reduction of establishment](#)

[304. Termination of service on account of inefficiency due to failure to conform to the requisite standard of physical fitness.](#)

301. Termination of service and period of notice

1. Temporary railway servants. - When a person without a lien on a permanent post under Government is appointed to hold a temporary post or to officiate in a permanent post, he is entitled to no notice of the termination of his service if such termination is due to the expiry of the sanction to the post which he holds or the expiry of the officiating vacancy, or to his compulsory retirement due to mental or physical incapacity or to his removal or dismissal as a disciplinary measure after compliance with the provisions of Clause (2) of [Article 311](#) of the Constitution of India. If the termination of his service is due to some other cause, he shall be entitled to one month's notice provided he was engaged on a contract for a definite period and the contract does not provide for any other period of notice; and to a notice of 14 days if he was not engaged on a contract. Temporary railway servants with over three years continuous service, shall, however, be entitled to a month's notice. The periods of notice specified above shall apply on either side, and steps should be taken to bring this condition to the notice of the railway servants concerned.

Note.—(1) Show cause notice is necessary for the termination of the service of permanent railway servants.

2. Apprentices. - Except as otherwise provided in his service agreement, the service of an apprentice shall be liable to termination on one week's notice.
3. Certain other railway servants.—The services of certain other railway servants specified below shall be liable to termination on notice on either side for the periods shown against each. Such notice is not, however, required in cases of dismissal or removal as a disciplinary measure after compliance with the provisions of clause (2) of Article 311 of the Constitution and compulsory retirement due to mental or physical incapacity.

(a)	Probationary officers and Group A & Group B railway servants on Probation	3 month's notice
(b)	Gazetted railway servants on probation in the Medical department.	1 month's notice
(c)	Group C and Group D railway servants on probation	1 month's notice

4. The service of any of the railway servants mentioned in clauses (1), (2) and (3) who is entitled to a notice of stipulated period may be terminated forthwith and on such termination the railway servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the stipulated period of notice at the same rates at which he was drawing them immediately before the termination of his service, or, as the case may be, for the period by which such notice falls short of the stipulated period of notice.

Note.

- (i) The appointing authorities are empowered to reduce or waive, at their discretion the stipulated period of notice to be given by a railway servant but the reason justifying their action should be recorded. This power cannot be re-delegated.

However, in respect of Group 'A' probationers of railway services undergoing probationary training at the Centralized Training Institutes, this power may be exercised by the Heads of Centralized Training Institutes where their probationary training has been centralized.

Inserted vide Railway Board's letter No. [E\(Trg.\)2004\(13\)/2, dated 8.12.2004](#) (RBE 249/2004)

5. The notice of termination of service or order of forthwith termination of service as the case may be, under this rule should be given by an authority not lower than the appointing authority.
6. Notwithstanding anything contained in clauses (1), (2) and (4) of this rule, if the Railway servant or Apprentice is one to whom the provisions of the Industrial Disputes Act 1947, apply, he shall be entitled to notice or wage in lieu thereof in accordance with the provisions of that Act.

Note.—No notice of termination will be necessary in a case where temporary railway servant is deemed to have resigned his appointment and ceased to be in employment if such a person remained absent on extraordinary leave beyond a limit of 5 years for whom no show cause notice is required as in the case of permanent railway servants.

302. Resignation

1. In no circumstances shall the resignation of a railway servant whose conduct is under investigation be accepted without the sanction of the authority competent to dismiss him. In cases in which a railway servant has committed an offence for which the penalty is dismissal or removal from service, no suggestion should be made to him to tender his resignation.
2. Subject to the provision of Sub-rule (1) the resignations of Group A & B railway servants, other than those holding administrative posts, serving on railways may be accepted by the General Manager. The resignation submitted by Group 'A' probationers of different services undergoing probationary training in various Centralized Training Institutes to join I.A.S., I.F.S. etc. may be accepted by the Heads of Centralized Training Institutes where their probationary training has been centralized.

Amended vide Railway Board's letter No. [E\(Trg.\)2004\(13\)/2, dated 8.12.2004](#) (RBE 249/2004)

Subject to the provisions of sub-rule (1) the resignation of Group A & B railway servants, other than those holding administrative post, serving on railways may be accepted by the General Manager. The acceptance of resignation of all other Group A railway servants shall require the sanction of the President. All such resignations of Group A & Group B railway servants on Indian Railways/Production Units shall be reported to the railway Ministry.

Railway Ministry's decision.—When a Railway servant working on an important post resigns and it would take time to make alternative arrangements for filling the post, the resignation should not be accepted immediately, but only when alternative arrangements for filling the post have been made.

(Railway Ministry's letters No. E(NG)64RE 1/36 dated 26-10-66 and E(NG)65 AG dated 30-6-66.)

3. Subject to the provisions of Sub-rule (1), the resignation of a Group C & D Railway servant may be accepted by the authority competent to fill the post held by him at the time of resignation.

303. Discharge on reduction of establishment

1. No railway servant may be discharged on reduction of establishment except under the orders of the authority competent to abolish the permanent post held substantively by him or of the authority which appointed him to that post, whichever is the higher authority.
2. Subject to any general orders issued by the President the selection of pensionable railway servants to be discharged upon reduction of establishment shall be so made as to involve the least charge on account of compensation pension.

304. Termination of service on account of inefficiency due to failure to conform to the requisite standard of physical fitness.

1. A Railway servant who fails in a vision test or otherwise by virtue of disability acquired during service and becomes physically incapable of performing the duties of the post which he occupies should not be dispensed with or reduced in rank, but should be shifted to some other post with the same pay scale and service benefits.
2. A Railway servant falling in Clause (1) above ceases to perform the duties of the post he is holding from the date he is declared medically unfit for the present post. If such a Railway servant cannot be immediately adjusted against or absorbed in any suitable alternative post he may be kept on a special supernumerary post in the grade in which the concerned employee was working on regular basis before being declared medically unfit, pending location of suitable alternative employment for him with the same pay scale and service benefits; efforts to locate suitable alternative employment starting immediately.

[Authority: Section 47(1) of The Pensions with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and Ministry of Railways letter No. [E\(NG\)I/96/RE3/9 \(1\) dated 29-4-1999](#) RBE No. 88/99 ACS No. 71]

Note.—The term 'former emoluments' in the case of running staff will include 40% of pay in the revised scales of pay.

Railway Ministry's decisions.

1. Where a temporary employee has become medically unfit for the post held by him on account of circumstances arising out of and in the course of his employment, the employee should be granted leave due plus extraordinary leave so as to make a total period of 6 months within which alternative employment must be found.
2. Where a temporary employee has become medically unfit for the post held by him on account of circumstances which did not arise out of and in the course of his employment, the benefit under this rule will not be admissible. It has, however, been decided that while it is strictly not obligatory to find alternative employment for such an employee, every effort should nonetheless be made to find alternative employment. The employee concerned should be granted such leave as is due to him plus extraordinary leave not exceeding 3 months, the total not exceeding 6 months. If no alternative employment can be found in this period, the employee should be discharged from service.
3. The above rule is applicable only to permanent staff and if alternative appointment is found for temporary staff it should be regarded as a purely ex-gratia measure.
4. The Medically de-categorised Railway employee waiting for absorption in alternative post may be allowed to commute the period of LHAP on production of medical certificate, subject to certification that the employee is not fit to hold the post from which he proceeded on leave. The commutation will, however, be admissible only up to the stage

that an alternative post is offered to him by the administration.

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

No. E(NG)61/AG1/3 dated 23/08/1963

Subject :- Form of Service Agreement for Class III staff.

The Railway Board have decided that the "Service Agreement for Subordinate staff" which appeared as Form No. 1, Appendix XXIV, R-I (1951 Edition), as amended from time to time, may be revised and inserted as Form No. 4 in the Supplement to the Indian Railway Establishment Manual, Appendix 9, 1960 Edition as "Agreement Form for Class III Railway Servants" as in the Advance Connection Slip No. 99 attached.

This has the sanction of the President.

Supplement to the Indian Railway Establishment Manual

Appendix 9

Advance Correction Slip No. 99

Insert the following as Form No. 4, - Service Agreement for Class III Railway servant:-

FORM No, 4

(See Rule 144-R1 (1959 Edition)

Service Agreement for Class III Railway Servants

(It must be remembered that this appointment is made by the Government of India. A person selected to fill it will be subject in all respects throughout his service to the orders of that Government. His pay and allowances will be subject to the vote of the Parliament.)

AN AGREEMENT of hiring and service made the day of
. 19 between son/ daughter of
. residing at of the one part and the President
of India (acting by and through the Railway Administration) of the other part.

WHEREAS THE President of India has engaged the party of the first part and the party of the first part has agreed to serve the President of India on the terms and conditions hereinafter contained.

NOW THESE PRESENTS WITNESSETH and the parties here to respectively agree as follow: —

1. In this Agreement and for the purposes of every clause, part and provision thereof, the expression: —

- a. "Railway servant" means the said
. and
- b. "Administration" means the President of India acting by and through the General Manager or other proper officer of the Railway.

2. The Railway servant shall serve the Administration as or in any other post to which he may from time to time be appointed, whether on promotion, reduction, or otherwise, in any place situated on the Railway system, in accordance with each and all of

the terms and conditions hereinafter specified.

3. The Railway servant shall be subject to the following conditions of service, namely: —

- a. That the service of the Railway servant may be terminated by one calendar month's notice in writing given at any time during service under this agreement either by Administration to the Railway servant or by the Railway servant to the Administration without cause assigned, the notice on behalf of the Administration being given by an authority not lower than the appointing authority Provided that the Administration may in lieu of any notice herein provided for give the Railway servant a sum equivalent to the amount of his pay for one month or shorter notice than one month if the Administration pay him a sum equal to the amount of his pay for the period by which such notice falls short of one month".
- b. That the Administration has full power and authority at any time to dismiss him, reduce him in rank, or remove him as a disciplinary measure after compliance with the provisions of Clause (2) of Article 311 of the Constitution of India or otherwise punish the Railway servant according to the rules of the service in which he is for the time being employed.

4. The Railway servant shall be bound by all general rules and regulations of Government service that may, from time to time, be in force. The special rules and conditions of service applicable to artisan staff, in workshops will apply to the Railway servant, if he is so employed.

5. The Railway servant shall at all times faithfully, diligently and honestly discharge each and all of the duties of the post for the time being held by him under the Administration and shall at all times obey and abide by all instructions and regulations for the time being in force and contained in the General Rules for all Open Lines of Railways in India administered by the Government, the Subsidiary Working Rules in force for the time being on the Railway and in the Railway Servants' Conduct Rules as well as all regulations for the time being in force in the Ministry of Railways, Government of India that affect his duties as a servant of the Administration and also all and any other orders and instructions that may, from time to time, be issued by the Administration.

6. The Railway servant shall be eligible for pensionary benefits and be required to subscribe to the State Railway Provident Fund (non-contributory) in accordance with the rules in force from time to time.

7. The Railway servant shall be paid such pay as may be prescribed from time to time by the rules of the service applicable to his position and appointment and his service shall generally, and as to leave particularly, be subject to the regulations regarding pay and general conditions of service enumerated in the Appendix to this Form. The pay from time to time payable to the Railway servant under these presents shall be paid for such time as he shall serve under the Administration and actually perform his duties commencing from the day of and ceasing on the date of his quitting service or the day of his discharge therefrom or on the day of his death if he shall die whilst in service.

8. The Railway servant shall be held responsible for the prescribed rent of the quarter that may be allotted to him or allotted for the post held by him whether permanently or temporarily.

9. The Administration may, from time to time, recover from the railway servant, by deductions from his pay or other sums at any time due to him, or otherwise, the value of any loss at any time suffered or sustained by the Administration by reason of the neglect, default or misconduct of the railway servant and the decision of the General Manager of the Administration as to whether there has been such neglect, default or misconduct and as to the amount of loss suffered or sustained due to such neglect, default or misconduct shall be final and binding.

10. The Railway servant hereby acknowledges that he has received a copy of this agreement.

11. The Railway servant shall so long as he is of non-gazetted status continue to be subject to this Agreement in whatever capacity he may hereafter be employed by the Administration.

12. In the case of Apprentices / Trainees who have received training at the railway expense and have on successful completion of their apprenticeship/training, been permanently absorbed against working posts, this agreement is without prejudice to and is supplemental to the terms

and conditions of the previous agreement entered into by them as Apprentices/Trainees.

13. In the case of any dispute as to the interpretation of any part of this Agreement or the Rules governing the service conditions of the railway servant or otherwise howsoever arising, the decision of the Government thereon shall be final.

As witness our hands the day and the year above written.

Witness

.....
..... Designation

Signature of employee
..... Designation
..... Station

Witness

.....
..... Designation

..... Station

.....
Head of the Department or District Officer. .
..... Station
Railway for on behalf of the President.

APPENDIX TO FORM No. 4

Memorandum to be annexed to the Service Agreement of permanent staff.

The attention of the employee is drawn to the following Rule Books together with all modifications made therein from time to time which govern his privileges and conditions of service. —

1. The Indian Railway Establishment Codes.
2. The General Rules for all open lines of Railways in India administered by the Government including the Subsidiary working Rules.
3. Railway Servant's Conduct Rules as amended from time to time.
4. All orders issued from time to time for the guidance of the staff through the Railway Gazette, Letters and Circulars issued by the General Managers, Heads of Departments, Divisional Superintendents and other Superior Officers.
5. The Industrial Disputes Act, 1947, and the rules which may be made thereunder by the President of India from time to time.
6. The Railway Servants (Hours of Employment) Rules, 1961 made under the Indian Railways Act, 1890.

WARNING

All staff and candidates for employment are reminded that bribes may in no circumstances be offered or accepted by them and that proof of offering, giving or taking of a bribe will render the employee concerned liable to summary dismissal.

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

No. E(NG)/65AG1/2 dated 18/04/1966

Subject :- Form of Service Agreement for Class III staff.

Reference Railway Board's letter No. [E\(NG\)61 AG 1/3 dated 23.08.1963](#) regarding the form of service agreement for Class III staff on the Railways. The Board decided that clause 3 of Form 4 in the Supplement to the Indian Railways Establishment Manual, Appendix 9, 1960 Edition, may be substituted as in the Advance Correction Slip No. 141 attached.

This has the sanction of the President.

Supplement to the I.R. Establishment Manual

Appendix 9

Advance Correction Slip No. 141

APPENDIX 9 - FORM No. 4.

Service Agreement for Class III Railway servants

Substitute the following for clause 3 of this agreement:—

23. The Railway servant shall be subject to the following condition of service namely: —

"that the Administration has full power and authority at any time to dismiss the Railway servant, or reduce him in rank or remove him as a disciplinary measure, after compliance with the provisions of Clause (2) of Article 311 of the Constitution of India or otherwise punish the Railway servant according to the rules of the service in which he is for the time being employed."

[Authority: Railway Board's letter No. E(NG)65 AG1/2 dated 18.04.1966]

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

RBE No. 223/1991

No. E(NG)I/91/RG1/1 dated 27/12/1991

Subject :- Re-appointment in Group 'C' Categories.

(Supplementary Circular No. 1 to [Master Circular No. 21](#))

In terms of instructions contained in Board's letter No. [E52 RC1/ 55/3 dated 14.03.1955](#), a person who has resigned or retired prematurely can be reappointed as a fresh entrant on bottom seniority with the approval of an officer of atleast Junior Administrative Rank.

2. The matter has since been reviewed by the Board and it has now been decided that in all such cases, reappointment shall require the personal approval of the concerned co-ordinating Head of the Department (HOD).

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

RBE No. 66/1992

No. E(NG)I/91/RG1/1 dated 30/04/1992

Subject :- Re-appointment in Group 'C' Categories.

(Supplementary Circular No. 2 to [Master Circular No. 21](#))

In terms of instructions contained in Board's letter No. [E52RC1/55/3 dated 14.03.1955](#), as amended by their letter of even No. dated [27.12.1991](#) (RBE 223/91) a person who has resigned or retired prematurely can be re-appointed as a fresh entrant on bottom seniority with the personal approval of the concerned coordinating Head of the Department (HOD).

2. The matter has been reviewed by the Board who have decided that persons who retire prematurely from service on their own option available to them under the relevant rules may be kept out of the purview of orders contained in their letter No. E52RC 1/55/3 dated 14.03.1955 as amended by their letter of even number dated 27.12.1991 (RBE 223/91). Restrictions regarding reappointment of such persons i.e. those retiring prematurely on their own option will continue to be governed by instructions contained in Board's letter No. E (P&A) I-77/RT/46 dated 29.05.1984.

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

RBE No. 79/1992

No. E(NG)I/92/RG/2 dated 18/05/1992

Subject :- Acceptance of Resignation.

(Supplementary Circular No. 3 to [Master Circular No. 21](#))

Please refer to the Board's letter No. [E\(NG\)I/92/RG/1 dated 05.03.1992](#) wherein copies of the digest of important judgments of the High Court's/Supreme Court and Central Administrative Tribunals on the subject of resignation were circulated for information and guidance of all concerned. It would have been noted from the rulings of the High Court/CAT as well as of the Supreme Court in the cases: (i) Cuttack Bench of the CAT 1986(4) SLJ (CAT) 296 dated 20.10.1986; (ii) Karnataka High Court 1987(1) SLJ 42 WA No. 996 of 1984 dated 17.07.1986; (iii) Supreme Court of India 1989(2) SLJ Civil Appeal No. 2014 of 1986 dated 13.02.1989; (iv) New Bombay Bench of the CAT 1990(3) (CAT) 419, OA 35 of 1986, dated 20.04.1990, that in the eyes of law, the resignation becomes effective only on its acceptance and that it can be withdrawn any time before it becomes effective. Thus where a Railway employee submits a letter of resignation and formal acceptance thereof has not been communicated to him even though the competent authority has no objection to accept the resignation, termination of his service does not take place and the relationship of employer-employee continues to subsist. It is thus open to the employee to claim to rejoin service. Again, if after submission of the letter of resignation but before communication of its acceptance the employee withdraws the letter of resignation, the earlier letter of resignation can no longer be acted upon.

2. In the extant rules and instructions governing resignation, there is no explicit mention of the need to formally communicate the acceptance of the resignation to the employees when the competent authority has no objection to the resignation being accepted. However, it is clear by necessary implication that resignation from service is subject to acceptance by the competent authority and so is its withdrawal.

3. Since the failure to formally communicate acceptance of resignation may result in the situation that in the eyes of law the employee would continue to have a right to withdraw it and claim to be treated as continuing in service. Board desire that the acceptance of the resignation should invariably be communicated formally to the employee concerned if there is no objection to the acceptance of the resignation letter.

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

RBE No. 119/1994

No. E(NG)I/94/RG/2 dated 30/12/1994

Subject :- Acceptance of resignation - Procedure in respect of.

[Supplementary Circular No. 4 to [Master Circular No. 21](#)]

Questions have been raised from time to time regarding the requirement of obtaining vigilance clearance in respect of a Railway servant before resignation submitted by him is accepted. The matter has been carefully examined and the position is clarified as under.

2.1. Under existing instructions vide letter No. [E\(NG\)I/90/RG/1, Dated 29.01.1991](#), it is provided that where a Railway servant who is under suspension submits his resignation, the competent authority should examine, with reference to the merit of the disciplinary case pending against the Railway servant, whether it would be in the public interest to accept the resignation. Normally, as Railway servants are placed under suspension only in cases of grave delinquency, it would not be correct to accept the resignation from a Railway servant under suspension. Exceptions to this rule would be where the alleged offences do not involve moral turpitude or where the quantum of evidence against the accused Railway servant is not strong enough to justify the assumption, that if the departmental proceedings were continued, the Railway servant would be removed or dismissed from service, or where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.

2.2. Existing instructions on the subject of acceptance of resignation of Railway servants against whom inquiry/investigation is pending (whether he has been placed under suspension or not) provide that where such a Railway servant submits his resignation should not normally be accepted. Where, however, acceptance is considered necessary in the public interest, the competent authority shall examine the case with reference to the fulfilment of conditions mentioned at Para 2.1 above.

3. In recent times, cases have come to notice where resignation of Railway servants not falling in the two categories mentioned in the preceding paragraph, have been accepted without insisting on vigilance clearance and subsequently it came to light that the said Railway servant while in service had been involved in serious irregularities. In view of this, it has now been decided that in all cases of acceptance of resignation, the competent authority, shall insist, as a mandatory measure, on prior vigilance clearance, before taking a decision on the request for resignation. When an authority refers a case for vigilance clearance, the authority competent to accord vigilance clearance should ensure expeditious consideration of the request.

* Number RBE 119/94 was advised vide Board's letter No. E(NG) I/94/RG/2 Dated 17.04.1995

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

RBE No. 28/1997

No. E(NG)I-96/RG1/1 dated 17/02/1997

Subject :- Re-appointment in Group 'C' categories.

(Supplementary Circular No. 5 To [Master Circular No. 21](#))

In terms of instructions contained in Board's letter No. [E52/RCI/55/3, dated 14.03.1955](#), as amended by their letter of even number dated [27.12.1991](#) (RBE 223/1991) and [30.04.1992](#) (RBE 66/1992), a person who has resigned can be re-appointed as a fresh entrant on bottom seniority with the personal approval of the concerned coordinating Head of the Department (HOD).

2. The matter has been reviewed by the Board in consultation with Department of Personnel and Training. It has now been decided that it is not advisable to reappoint a person either as a fresh entrant or otherwise who had resigned to contest an election on the symbol of any political party or as an independent candidate.