

Rule 301 of the Indian Railway Establishment Code (Fifth Edition-1985)

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 year's 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. - (l) 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 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.—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.

(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.