



सतर्कतामुख्यालय
VIGILANCE HEADQUARTERS
कर्मचारीभविष्य निधि संगठन
Employees' Provident Fund Organisation
(श्रममंत्रालय, भारतसरकार)
(Ministry of Labour, Govt. of India)
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14, Bhikaji Cama Place, New Delhi -110066

Vig/Coord/Transfer Posting/Gen/2020

Dated 29/7/2020

To

All ACC HQ/ACC in-charge of Zones / ASD/Director PDUNASS

All RPFC incharge of ROs

Sub: Posting of Officials to Vigilance units - reg.

Sir/Madam,

Attention is drawn on the enclosed CVC circular dated 28.03.2006 wherein the CVC has issued a set of consolidated instructions on the posting of officials to vigilance units and on the degree of protection conferred on vigilance officials to facilitate their effective and independent functioning. The CVC vide the cited circular has laid down that all personnel in vigilance units will be posted only in consultation with and the concurrence of the CVO.

In order to regulate the transfers/postings of officials to Vigilance units in tune with the CVC circular dated 28.03.2006 for the following instructions are issued for strict compliance.

1. All personnel in Vigilance HQ will be posted only in consultation with and the concurrence of the CVO.
2. The posting of DD Vigilance and AD Vigilance to ZVDs shall be made only in consultation with and concurrence of the CVO.
3. The posting of supporting staff to ZVDs shall be made only in consultation with and concurrence of the ZVD in-charge. If any dispute or disagreement arises in the matter of transfer/posting of staff to ZVD that could not be resolved locally, the same may be referred to the CVO by the ZVD directly or through the Zonal Head by the RO.
4. While issuing transfer orders in respect of officers or staff of Vig HQ/ZVDs sufficient time, at least ten days, for relieving/ proper handling over of charge should be given to facilitate smooth transition. In no case the transferred official shall be ordered as relieved instantly.
5. In case of routine administrative transfer upon completion of tenure of the staff posted in Vig HQ/ZVD, one month notice of the impending transfer may be given to the CVO or the ZVD in-charge as the case may be so that preparatory activities for smooth handling over of charge can be undertaken.

(Issues with the approval of the CVO)

Yours faithfully

(Nisha O.V.)
Regional PF Commissioner-I(Vig.)

No.006/VGL/022
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 28th March 2006

Circular No.16/3/06

Sub: Protection against victimisation of officials of the Vigilance Units of various Ministries/Departments/organisations.

The Commission has viewed seriously certain instances of harassment and attempts at victimisation of vigilance officials of certain organisations. The need to allow the vigilance officials to work independently and freely without any fear, which is the foundation for effective vigilance administration in any organisation, has been recognized since long. In fact, the Committee on Prevention of Corruption (Santhanam Committee) had recommended that "those posted to the Vigilance Organisations should not have the fear of returning to their parent cadre with the possibility of facing the anger and displeasure of those against whom they made inquiries". The Committee had also recommended that "those working in Vigilance Organisations should have an assurance that good and efficient work in the Vigilance Organisation will enhance their opportunities for promotion and not become a sort of disqualification".

2. The Commission has considered the problem of possible victimisation of Vigilance officials after they finish their tenure in the Vigilance Department and revert to their normal duties. In the case of CVOs, already, the Commission, as Accepting Authority, is in a position to moderate, if necessary, any biased reporting against the CVO in his ACR. Similarly, the Commission has always been extremely careful and cautious while taking cognizance of complaints against the CVOs and as a matter of principle always obtains the CVOs' response before coming to any conclusion on the need to investigate such complaints.

3. In order that the required degree of protection is conferred on the Vigilance officials supporting the CVO and keeping in view the spirit of the Santhanam Committee which with commendable foresight had anticipated very clearly some of these issues, the Commission issues the following consolidated instructions in exercise of its powers under Section 8 (1) (h) of the CVC Act:

- (i) All personnel in Vigilance Units will be posted only in consultation with and the concurrence of the CVOs. They will be for an initial tenure of three years extendable up to five years. Any premature reversion before the expiry of such tenure will only be with the concurrence of the CVO. The CVO shall bring to the notice of the Commission any deviation from the above.

- (ii) The ACR of personnel working in the Vigilance Department will be written by the CVO and reviewed by appropriate authority prescribed under the relevant conduct rules. The remarks in review shall be perused by the CVO and in case he has reservations about the comments made under the review, he shall take it up with the Chief Executive/HOD to resolve the issue. In case he is unable to do this, he shall report the matter to the Commission who will intercede in the matter suitably.
- (iii) Since the problem of victimisation occurs, if at all, after the reversion of the personnel to their normal line departments, the Commission would reiterate the following:
 - (a) On such reversion the vigilance personnel shall not be posted to work under an officer against whom, while working in the vigilance department, he had undertaken verification of complaints or detailed investigation thereafter. Needless to say his ACR shall not be written by such officer/s.
 - (b) All such Vigilance personnel will be deemed to be under the Commission's purview for purposes of consultation in disciplinary matters. This is irrespective of their grade. This cover will be extended to a period of not less than five years from the date of reversion from the vigilance department.
 - (c) All Vigilance personnel on reversion shall be entitled to represent through the CVO and chief executive of the organisation to the Commission if they perceive any victimisation as a consequence of their working in the Vigilance department. This would include transfers, denial of promotion or any administrative action not considered routine or normal. This protection will be extended for a period not less than five years after the reversion of such personnel from the vigilance department.

4. The above instructions may be noted for strict compliance. The CVO should report promptly to the Commission, the details of any real or perceived victimisation of any official who is working in the Vigilance Unit. Similarly, he should also report such instances pertaining to the former officials of the Vigilance Unit, up to a period of five years after they had completed their tenure in the Vigilance Unit. He should also report where such deserving officials are ignored/superseded in matters of promotion.



(V. Kannan)
Director