



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

Email:
cvo@epfindia.gov.in

Vig/Coord/DP/Gen/2020 / 715

Dated ... 05 AUG 2020

To

All ACC HQ/ACC incharge of Zonal Offices / ACC(ASD)/Director, PDUNASS
All RPFC incharge of ROs.

Sub: Disposal of Disciplinary Proceedings in composite cases – reg.

Sir/Madam,

Please find enclosed herewith CVC circular dated 20/07/2020 wherein the CVC has reiterated the provisions laid down in para 7.38 of chapter VII of Vigilance Manual, 2017 that the Appellate Authority is expected to keep in view the advice tendered by the CVC /penalty imposed by the Disciplinary Authority and decide the appeal .

2. Attention is also drawn on the provisions laid down in para 1.6.6 of chapter I of Vigilance Manual, 2017 that in all composite cases where the CVC has tendered first stage advice , after the conclusion of oral inquiry and before the issuance of final order, it is mandatory to consult CVC for second stage advice if the opinion of the Disciplinary Authority(DA) is at variance with the first stage advice. As per the said provision if there is no deviation from the first stage advice the case shall be dealt with at the level of CVO. Thus in composite cases where Group B/C officials are also involved, the advice the CVC is expected to be keep it view while passing final order in a disciplinary proceeding and should be referred to the CVO before passing the final order .

3. Keeping in view the CVC circular dated 20/07/2020 and the provisions laid down in Vigilance Manual, 2017 the following directions are issued for strict compliance while conducting disciplinary proceedings under EPF Staff(CCA)Rules 1971 in cases where vigilance angle is present :

- (i) Composite cases are those vigilance cases where non-Group A officials are also involved alongwith those belonging to Group A. The RPFC in charge of the region is the Disciplinary Authority(DA) in respect of officials belonging to the cadres of SS/SSA/Sr.SSA/LDC/UDC/MTS in terms of

Rule 8 of EPF Staff(CCA) Rules 1971. In all such composite cases, where the disciplinary proceedings against the non-group-A officials involved are conducted by the RPFC-in charge, being the DA, after conclusion of the oral inquiry and before passing final order a reference shall be made to the CVO, with the opinion view of the DA.

- (ii) The ACC in charge of zones are designated as Appellate Authorities for the aforesaid non -Group A officials. In cases where the CVC has tendered advice, the Appellate Authority is expected to keep the advice in view while deciding the appeal of a non-Group A official involved in a composite case.
- (iii) There are a substantial number of cases in which the Vigilance HQ on receipt of complaint or other source information has conducted investigation and recommended initiation of disciplinary proceedings against officials of Group B/C/D cadres. In such cases the RPFC-I being the DA issues the chargesheet and conducts the disciplinary proceedings. It is observed that the view of the CVO is not being sought during final disposal of such disciplinary proceedings. In all cases where the recommendations for initiation of disciplinary proceedings is given by Vigilance HQ, the view of the CVO shall be obtained before issuance of final order by the DA in the matter. The advice of the CVO shall also be kept in view by the Appellate Authority while disposing of appeals in such cases.

The instructions as above shall also apply to disciplinary proceedings in respect of officials in Head Office for whom the RPFC in charge of ASD is the Disciplinary authority and ACC (ASD) is the Appellate Authority.

(Issues with the approval of the CVO)

Yours faithfully



(Nisha O.V)

Regional PF Commissioner-I(Vig.)

Telegraphic Address :
SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स / Fax : 24651186



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
प्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं./No..... 000/DSP/001

दिनांक / Dated..... 20.07.2020

Circular No.05/07/2020

Sub. Reporting cases of deviations by Appellate / Reviewing Authorities by Chief Vigilance Officers.

Ref.: Commission's Circular Nos.000/DSP/1 dated 10.02.2003 and 05.03.2003.

In terms of the provisions laid down in para 7.38 of Chapter-VII of the Vigilance Manual, 2017 and above mentioned Circulars, in matters of appeal, the Appellate Authority is expected to keep in view the advice tendered by the Commission / penalty imposed by the Disciplinary Authority and decide the appeal. Further, in case the Appellate Authority / Reviewing Authority decides to deviate from the advice given by the Commission and final orders issued by the concerned Disciplinary Authority, the CVO is required to report such individual cases decided at appeal / review stage to the Commission which would thereafter take an appropriate view whether the deviation is serious enough to be included in its Annual Report.

2. Of late, it has been observed that such deviations at the stage of the Appellate Authorities are not being timely reported to the Commission by the Chief Vigilance Officers (CVOs) of the Organisations. In addition, such deviations are also to be reported in the Quarterly Performance Reports (QPRs) being submitted online by the CVOs every quarter under the head "Part 5.(D)- Appellate Authority (Deviation / Non-acceptance)".

3. The Commission while reiterating these instructions would advise all Chief Vigilance Officers to report to the Commission such individual case of deviation without any delay immediately after decision / orders issued at the Appellate / Review stage and also indicate in the relevant column in the QPRs filed by the Chief Vigilance Officers.


(J. Vinod Kumar)
Director

To: All Chief Vigilance Officers.