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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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020/MSC/036

सं./No.....

दिनांक / Dated..... 30.12.2020

Circular No. 20/12/20

Subject:- Disposal of old pending cases.

Central Vigilance Commission, as part of its functions of exercising superintendence over Vigilance Administration of the organizations under its advisory jurisdiction has been emphasizing on timely completion of action in vigilance related matters. Any delay in finalization of such matters is neither in the interest of the organization nor that of the employee concerned. Undue delay on one hand provide prolonged opportunities to a corrupt public servant to indulge in inappropriate activities. On the other hand, any unwarranted delay in conclusion of vigilance related matters is detrimental for an honest public servant, who may have got involved in a vigilance case, due to various reasons.

2. In order to ensure that a vigilance related matter is taken to its logical conclusion within a reasonable time frame, the Central Vigilance Commission has issued guidelines, time and again, specifying the time limit for each stage involved in a vigilance case. However, it has been observed that some cases are not brought to logical conclusion in a timely manner and remain pending in the organizations for unduly long period of time, due to variety of reasons.

3. The Commission, vide Circular No. 18/12/20 dated 14.12.2020 (available in downloadable form on Commission's website. www.cvc.gov.in) has prescribed time limit for various stages of disciplinary action, as tabulated below:-

Sl. No.	Stage of disciplinary action	Time Limit
1.	Issue of Charge Sheet to the stage of appointment of IO and PO	All the required actions may be completed within a period of 02 months from the date of issue of First Stage Advice of the Commission.
2.	Conducting departmental inquiry and submission of report by the Inquiry officer (I.O.)	The inquiry report should be submitted within 6 months from the date of appointment of inquiry officers
3.	Overall additional time for all/any of the above stages of disciplinary proceedings, due to some unavoidable/unforeseen circumstances	In addition to the above time limit, a period of 1 more month may be taken, if required.

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4. The Commission is regularly reviewing old pending cases with the respective organizations and has appreciated the efforts of the organizations in bringing most of the old cases to a logical conclusion. On a review of cases, it is observed that a limited number of cases, which originated in the period of 01.01.2011 to 31.12.2018, are pending in some organizations for various reasons, some of which are listed below:-

- (i) Stay granted by a court of law;
- (ii) Case pending in a court of law;
- (iii) Case kept in abeyance as the official had been terminated from service in another case;
- (iv) Although, the officer was working with the Central Govt. at the time of commission of misconduct, but the Disciplinary Authority, i.e., the State Govt. is yet to furnish its views/recommendations;
- (v) The misconduct was committed in an organization where the official was on deputation/posted earlier and later on, he, either reverted back to his parent organization or was transferred to another organization and there was difference of opinion between the authorities concerned in the two departments.

5. The Commission has directed that in respect of those organizations where a few old cases are still pending, the Chief Executive and the Chief Vigilance Officer of the organization should ensure that the vigilance cases initiated between the period 01.01.2011 to 31.12.2018 must be finalized latest by 31.05.2021. The organizations may take all necessary steps and may follow up the pending cases with the authorities concerned, within the organization and outside too, if required, to ensure timely action in these cases.

6. As regards the cases pending in a court of law for a long time, it may be noted that the Commission vide its Circular No. 19/12/20 dated 22.12.2020 has already drawn the attention of the organizations to the judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Supreme Court of India (https://sci.gov.in/supremecourt/2011/27580/27580_Judgement_28-Mar-2018.pdf), in which the Supreme Court had ordered for limiting the period of stay granted by a court of law to six months, except in exceptional circumstances. The organizations may take necessary and appropriate action in respect of those cases where stay has been granted by a lower court, in view of the aforementioned judgement of the Supreme Court.

7. The progress made in taking the old pending cases to their logical conclusion may be intimated to the Commission by the CVOs concerned.

8. The above time schedule may be noted for strict compliance.



(Rajiv Verma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC