

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No. 2019/V-1/DAR/1/1

New Delhi, Date:

15.01.21

The General Managers
All Zonal Railways

CAO/COFMOW
DMW/Patiala

The SDGMs/CVOs
All Zonal Railways/PSUs/PUs

CORE/ALD,
Metro/Kolkata,
DG RDSO/LKO

Sub: Disposal of old pending cases & finalization of Departmental Proceedings.


Ref: (i) CVC's Circular No.18/12/20 dt. 14.12.20
(ii) CVC's Circular No.19/12/20 dt. 22.12.20
(iii) CVC's Circular No.20/12/20 dt. 30.12.20

Please find enclosed herewith a copy of CVC's referred circulars wherein Commission emphasized timely completion of due action in vigilance related matters. CVC desired that required action such as issue of charge sheet to the stage of appointment of IO/PO (as applicable) and submission of inquiry report (in major penalty cases where IO is appointed) may be completed within **2 months** and **6 months** respectively, which may be extended by **1 more month** due to unavoidable/unforeseen circumstances.

In regard to pendency of old cases, the Commission after review of cases, attributed delays to reasons such as stays granted in Court of Law, transfer of charged official to other units/departments, want of recommendations/views from DA, cases kept in abeyance by DA etc., The Commission expects that all cases initiated between the period **01.01.11 to 31.12.18 be finalized latest by 31.05.21**. In regard to stays granted in Courts of Law, attention is hereby drawn to CVC circular under ref (ii), so that Railways may initiate appropriate action for vacation of stay.

It is requested that above circulars may kindly be brought to the notice of all concerned for appropriate and prompt action please.

DM - As above


15.1.21
(Srinivas Malladi)
Director Vigilance Engg(I)
Railway Board



सत्यमेव जयते



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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
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सं/No. No. 000-VGL-18 - 469044

दिनांक / Dated. 14.12.2020

Circular No.18/12/20

Subject: Timely finalization of Departmental Inquiry Proceedings-improving vigilance administration.

- Ref: (i) Commission's Circular No. 8(1)(g)/99(2) dated 19.02.1999
(ii) Commission's Circular No. 8(1)(g)/99(3) dated 03.03.1999
(iii) Commission's Circular No. 3(v)/99(7) dated 06.09.1999
(iv) Commission's Circular No. 000/VGL/18 dated 23.05.2000
(v) Commission's Office Order No. 51/08/2004 dated 10.08.2004
(vi) Commission's Circular No. 02/01/2016 dated 18.01.2016

The Central Vigilance Commission as part of its functions of exercising superintendence over the vigilance administration of the organizations covered under its advisory jurisdiction and for bringing about improvement and efficiency in the same, has been emphasizing on timely initiation and completion of the disciplinary proceedings, wherever required. The Commission is of the view that any delay in initiation or finalization of the disciplinary action is neither in the interest of the organization, nor that of the official concerned.

2. Guidelines have been issued by the Commission in this regard, defining the time limits for various stages of disciplinary proceedings, in order to ensure that there is no undue delay on the part of the concerned authorities/officials. However, it is observed that despite clear guidelines issued by the Commission and Department of Personnel & Training (DoP&T), the authorities/officials concerned are not adhering to the prescribed time-limit and the disciplinary proceedings in some cases take much longer time, which leads to unwarranted delay in finalization of disciplinary case. Any unexplained, undue delay may also be a cause of unnecessary litigation and provide undue advantage/harassment to the charged officer. Such delays on one hand help in evading penalty on guilty officials, while prolonging the agony of the officials who may have been charge-sheeted wrongly in few cases and are finally exonerated.

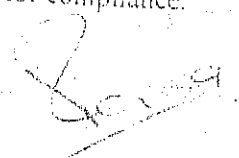
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3. The delay in completion of departmental proceedings on the part of the organization concerned has also attracted adverse comments from the Hon'ble Supreme Court of India in Civil Appeal No. 958 of 2010 Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr in its judgment dated 16.12.2015.

4. In continuation of CVC's guidelines dated 23.05.2000 and DoPT OM dated 14.10.2013, the Commission therefore, to ensure prompt/timely action in disciplinary matters where major penalty proceedings have been initiated/are to be initiated, the following time limit may be adhered to: -

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.

5. The Commission desires that the above time limit should be adhered to strictly by the authorities in the organisations concerned. Since initiation and conduct of disciplinary proceedings is within the domain of the disciplinary authority concerned, the CVOs may bring the above guidelines of the Commission to the notice of the competent authorities for compliance.


(Rajiv Varma)
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

Copy to:

Department of Personnel & Training [Shri Lok Ranjan, Additional Secretary, DoP&T],
North Block, New Delhi-110 001 for information and necessary action.

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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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Satarkta Bhawan, G.P.O. Complex,
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020/MSC/028

सं./No.....

दिनांक / Dated 22.12.2020

Circular No. 19/12/20

Subject: Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Supreme Court of India.

Ministry of Law and Justice, vide their Office Memorandum No. N-17/10/2018-NM dated 13.06.2018 have brought to notice, the judgement dated 28.03.2018 of the Hon'ble Supreme Court in the above cited Criminal Appeal. Copy of O.M. dated 13.06.18 of Ministry of Law and Justice is enclosed.

2. As pointed out by Ministry of Law and Justice, in the judgement dated 28.03.2018, Hon'ble Supreme Court had ordered for limiting the period of stay granted by a court of law to six months, except in exceptional circumstances. The Commission has desired that the orders dated 28.03.2018 may be kept in view, while handling/examining court matters in the organisations. In respect of those court cases, where stay was granted by a trial court more than six months ago and also in cases based on CBI's investigation, which have been kept in abeyance due to court's orders, the issues may be examined in the light of the aforementioned judgement of the Hon'ble Supreme Court. Appropriate and immediate steps may also be taken, in consultation with the organization's counsels/Legal Branch to ensure that the stay, if granted by a court of law, is vacated within six months' period and court proceedings are commenced.

3. The above position may also be brought to the notice of the Chief Executive and Legal Branches of the organisations concerned for keeping the Supreme Court's orders in view, while handling Legal/ Court matters.

4. Complete judgement of the Hon'ble Supreme Court may be accessed from the Supreme Court's website through the link https://sci.gov.in/supremecourt/2011/27580/27580_Judgement_28-Mar-2018.pdf.

5. It may be noted for compliance with immediate effect.

(Rajiv Verma)
Officer on Special Duty

All Chief Vigilance Officers

Encls: As above.

File No. N-17/10/2018-NM
Government of India
Ministry of Law and Justice
Department of Justice

Jaisalmer House
26, Mansingh Road, New Delhi-110011
Dated: the 13th June, 2018

OFFICE MEMORANDUM


Subject: Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Hon'ble Supreme Court of India.

Sir,

This Department has received a copy of Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Hon'ble Supreme Court of India, through the Office of Hon'ble Prime Minister for forwarding to all concerned.

The implication of the aforesaid judgment is that where any action by a development agency or an enforcement agency, as the case may be, was stayed by a court of law, the same shall stand vacated automatically at the expiry of 6 months from the date of the order i.e. 28.03.2018, unless the same is extended by a speaking order. Further, the judgment casts a responsibility on the court granting stay that the speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. Also, in such cases where the stay is extended, the trial court has been directed to fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence.

The judgment of Hon'ble Supreme Court can be accessed at https://sci.gov.in/supremecourt/2011/27580/27580_Judgement_28-Mar-2018.pdf.


(Giridhar G. Pai)
Director
Ph. 23072145

Secretary
Department of Atomic Energy
Anushakti Bhavan, Chatrapathi Shivaji
Maharaj Marg, Mumbai - 400001

Copy to: - Under Secretary (JI), Department of Justice for uploading on portal w.r.t PMO ID No 4827311/PMO/2018-Pol dated 24.04.2018.

S. N. 5

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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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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:-

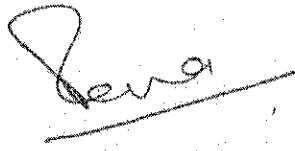
- (i) Stay granted by a court of law;
- (ii) Case pending in a court of law;
- (iii) Case kept in abeyance as the official had been terminated from service in another case;
- (iv) Although, the officer was working with the Central Govt. at the time of commission of misconduct, but the Disciplinary Authority, 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