

Confidential

No. 142/20/2017-AVD.I/D (Pt.I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Dated 15th March, 2021

OFFICE MEMORANDUM

Subject: Introduction of Single Window System in Department of Personnel & Training for receiving proposals for initiation of disciplinary proceedings and sanction for prosecution under the Prevention of Corruption Act, 1988 against the Group A officers of Central Secretariat Services (CSS & CSSS)-reg.

The undersigned is directed to refer to this Department's O.M. No. 142/18/2013-AVD-I dated 24.02.2014 (copy enclosed) and letter No. 142/4/2012-AVD.I dated 28.07.2014 (copy enclosed), vide which this Department has introduced the Single Window System for receiving proposals for initiation of Disciplinary proceedings and sanction for prosecution under the Prevention of Corruption Act, 1988, respectively

2. It has been noticed that even when there is a Single Window System available, majority of the Ministries/ Departments are still forwarding their proposals through DAK, which should be avoided.

3. All Ministries/Departments are therefore once again requested to take note of the Single Window System that was introduced in the DOP&T w.e.f 01.03.2014 and bring the same to the notice of all concerned. It may also be ensured that the Check List is countersigned by an officer not below the level of Joint Secretary of the administrative Ministry/Department concerned. Further, it may be noted that this Department shall not be responsible for any legal issues arising out of the delay in processing or not processing of the matter that are not received through the proper channel.

Encl.: As above.


15/03/2021
(Mahesh Chandra)

Under Secretary to the Govt. of India
Tele.: 2309 4508

To,

All Ministries/Departments of Government of India

No. 142/ 18 /2013-AVD-I
Ministry of Personnel, Public Grievance and Pensions
Department of Personnel & Training

North Block, New Delhi
Dated 24th February 2014

OFFICE MEMORANDUM

Subject: Introduction of Single Window System in Department of Personnel & Training for receiving proposals for initiation of disciplinary proceedings against the Group A officers of the Central Secretariat Services (CSS & CSSS) -reg.

The undersigned is directed to say that in order to avoid delay in processing of the proposals due to procedural infirmities/shortcomings/discrepancies in the proposals referred to to this Department for initiation of disciplinary proceedings against Group 'A' officers of the Central Secretariat Service (CSS) and Central Secretariat Stenographers Service (CSSS), DOP&T has decided to switch over to Single Window System for accepting the proposals as per Check List enclosed.

2. Henceforth, all Ministries/Departments are required to authorize a representative not below the level of Under Secretary to come to DOP&T's office in person for handing over the proposal for initiation of disciplinary proceedings, complete in all respect, with all the relevant documents/ records. In the DOP&T, Under Secretary (Avd-I(D), Room No. 270, North Block, (through Gate No.4) will receive the disciplinary cases referred by Ministries/Departments between 11.00 am to 1 pm on all working days. The proposals received would initially be scrutinized in terms of information sought and in consonance with the prescribed Check List. Incomplete cases would be returned after pointing out deficiencies. Cases, which are complete in all respect as per the checklist, would only be accepted for further detailed scrutiny and examination. The Single Window System is to be introduced from 1/3/2014.

3. All Ministries/Departments are requested to take note of the Single Window System being introduced in the DOP&T w.e.f. 1.3.2014 and bring the same to the notice of all concerned. It may also be ensured that the Check List is countersigned by an officer not below the level of Joint Secretary of the administrative Ministry/Department concerned. A copy of the OM F.No. 134/9/93-AVD-I dated 15.11.1993 is also enclosed for compliance of the laid down procedure while forwarding cases to DOP&T for initiation of disciplinary proceedings.

Encl: Check List

(N.R.A.)
Deputy Secretary (V.II)

To: All Ministries/Departments of Government of India.

Copy To: UPSC/ CVC/ Election Commission of India/Comptroller and Auditor General of India/Central Information Commission.

All attached offices under Ministry of Personnel, Public Grievance and Pensions.

✓ NIC, DOP&T, North Block, New Delhi, with the request to upload the O.M. on Deptt's website.

Check List For Submission of Proposals to DOP&T for Initiation of Disciplinary Proceedings Through Single Window System in respect of Group 'A' officers of CSS/CSSS.

Sl. No.		
1	Name of the Officer & Designation	
2	Date of Birth/ Date of Superannuation	
3	Place of present posting, if posted elsewhere than the place where misconduct took place.	
4	Copy of the Preliminary Explanation called for from the officer & Reply of the officer thereon.	
5	Self contained note/Comments of the Administrative Authority where misconduct is alleged, on the reply of the officer along with copy of preliminary inquiry report, if any.	
6	Draft Charge Sheet containing Article(s) of Charge in clear and definite terms along with i. Statement of Imputations of charges ii. List of relied upon documents-original/ duly certified in blue ink only, page numbered and indexed (2 copies). iii. List of witnesses, if any	
7	Approval of the Minister-in-charge where the officer was posted at the time of misconduct in terms of DOP&T OM No. 134/9/93-Avd-I dated 15.11.1993 in respect of CSS/CSSS officers.	
8	Whether the case involves vigilance angle and if so whether CVC has been consulted ?	Yes/No
9	If answer to Sl. No. 8 above is yes, attach copy of First Stage advice of the CVC.	

Note: Please attach the the following also-

Extracts(s) of relevant Rules, Codes, Manuals, Acts, Judgments, etc.

Information/position of disciplinary proceedings against other co-accused (if any).

* Signature – _____

Name of the officer signing this statement (In Block letters) _____

Designation _____

Telephone No. _____

Dated _____

* To be signed by an officer not below the rank of CVO/Joint Secretary to the Government of India

Confidential

No. 134/9/93-AVD-I
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 15 November, 1993

OFFICE MEMORANDUM

Subject: Procedure for referring cases for initiation of disciplinary proceedings against the officers of the Central Secretariat Service (Grade I and above) to the Department of Personnel & Training - regarding.

The undersigned is directed to invite the attention of all the Ministries/Departments to the Entry No. 41(e) of the Government of India (Allocation of Business) Rules, 1961 read with Rule 12 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 whereby this Department has been made the Disciplinary Authority in respect of officers belonging to centralised cadres of Central Secretariat Service (Grade I and above) and to say that the following arrangement/procedure is laid down in respect to forwarding the proposals for initiation of formal disciplinary proceedings relating to the officers, without prejudice to other statutory provisions contained in the relevant disciplinary rules/instructions issued thereunder:-

1. Any proposal to place an officer under suspension should be sent to this Department, only with the approval of Minister-in-charge of the Department/Ministry concerned;
2. Any proposal to initiate disciplinary proceedings should be sent to this Department only after a decision has been taken at the level of Minister in-charge of the Department/Ministry, after obtaining the preliminary explanation of the officer and after considering the same. In cases having a vigilance angle, the administrative Ministries/Departments are also required to consult the Central Vigilance Commission and obtain its first stage advice before submitting the papers to the Minister;
3. When the alleged misconduct was committed by an officer while serving under a Ministry/Department and the officer stood transferred to another Ministry/Department at any stage thereafter, the Ministry concerned where the alleged misconduct was committed by the officer will have to take a view on the case, in the light of the facts of the case and the explanations of the concerned officer/ advice of the Central Vigilance Commission at the level

of their Minister before forwarding the case records to this Department, for further necessary action, under intimation to the Ministry where the officer may be working, for the time being.

4. Such a proposal shall always be accompanied by a draft chargesheet, along with two sets of certified listed documents.
5. In cases where it is decided not to formally proceed against an officer, but only to convey a caution/warning/displeasure of the Government, this will be communicated to the officer by the Ministry/Department concerned, through the administrative Ministry where the officer may be working at that time and two copies of the same shall be endorsed to this Department for record.
6. In a case, where there is no full fledged investigation by the CBI and where formal action for major penalty is instituted by this Department, after due consideration of a proposal received from the administrative Ministry or otherwise to that effect, and appointment of a Presenting Officer is required to be made, the administrative Ministry/Department concerned will nominate an officer who is well-versed with the facts of the case, for being appointed as Presenting Officer by this Department in that case.
7. All communications meant for the officers proceeded against would be served through the Ministry/Department where the officer is working for the time being.

Ministry of Agriculture etc. may please follow the above procedure while referring the cases of the officers belonging to Central Secretariat Service (Grade I and above) to this Department.

Hindi version follows.

C.P. Singh

(C.P. SINGH) 12/11/9

To Secretary to the Govt. of India, Deputy Secretary to the Government of India.

All Ministries/Departments.

Copy to: (i) Secretary, CVC.

(ii) Estt. 'A' Division, Department of Personnel & Training.

(iii) All the Desks/section in AVD. and AIS Division.

(iv) Guard File.

No.142/4/2012-AVD.I
Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances and Pension
Department of Personnel and Training

New Delhi dated the 28th July, 2014

The Chief Secretaries of all State Governments/
Union territory Administrations
(As per standard List)

Subject: Introduction of Single Window System in Department of Personnel & Training for receiving proposals for Sanction for prosecution under the Prevention of Corruption Act, 1988- comments of the administrative authority – regarding.

Sir / Madam,

I am directed to say that proposals for Sanction for prosecution under the Prevention of Corruption Act, 1988 are received from State Governments and Investigating Agencies including the CBI seeking such sanction in respect of Group 'A' officers whose cadre control vests in the Central Government. In order to avoid delay in processing of such proposals due to procedural infirmities/shortcomings/discrepancies in the proposals, DOP&T has decided to switch over to Single Window System for accepting the proposals as per order of even no. dated 28.07.2014 alongwith Check Lists (copy enclosed).

2. As per the aforesaid order and enclosed check list, CBI has to submit the proposal alongwith the comments of the concerned administrative authority/State Government. In this regard kind attention is invited to this Department's instructions No. 107/8/99-AVD-I, dated 27-10-1999 (copy enclosed). Para 3 of the above instructions refer to IAS officers serving the affairs of the State Government, in whose case the sanction for prosecution under the PC Act is required. In this regard the instructions state that the "Competent Authority under the State Government is required to examine the case on the basis of evidence on records and forward the documents to the Central Government along with their views/recommendations thereon and also enclosing the sanction, if any, issued by the State Government u/s 197(1) of the Cr.P.C."

3. The underlying object of the said instructions is that since the alleged offences are committed during the tenure of the public servant with the State Government while following the processes and regulating rules of such Government, it is the State Government which is better placed, in the first instance to confirm and corroborate the contentions of the investigating agency.

4. At present comments of the Administrative authority/State Government are not received alongwith the proposal and this Department has to seek the same from the concerned administrative authority. In many cases comments of the administrative authority are received after much time resulting in delay in processing of the proposal. In some cases comments are not received at all.

5. As stated above, comments of the Administrative authority/State Government are now to be submitted alongwith the proposal to be submitted by the CBI after obtaining the same from the concerned administrative authority. In case no comments are received by the CBI

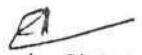
(No.142/4/2012-A VD.1)

within three weeks of submission of the proposal to the concerned administrative authority, the proposals alongwith reasons of not enclosing the comments of the administrative authority are to be submitted to DoPT under single window system. In that case it will be presumed that administrative authority has no comments to offer and proposal will be processed accordingly.

6. Therefore, all Administrative Authorities are requested to provide their comments/ views to the CBI within three weeks of receipt of proposal alongwith the details as per enclosed check list.

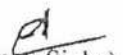
Yours faithfully,

Encl: As above


(Anshu Sinha)
Director (Vigilance - I)

Copy to:

1. All Ministries/Departments of Government of India (as per standard mailing list).
2. All CVOs with the request to instruct all organisations for compliance with these guidelines.
3. Secretary, Central Vigilance Commission, Satarkta Bhawan, Old GPO Complex, Block - A, INA, New Delhi with the request that keeping in view the observations in this communication, steps may be taken for revising the internal processing mechanism of the Commission.
4. Joint Director (Policy and Coordination), Central Bureau of Investigation, North Block, New Delhi, with the request that the above guidelines may please be circulated amongst the investigating units for due compliance.
5. Principal Secretaries (GAD)/Home Department of the State Governments for due circulation amongst investigating units for due compliance.


(Anshu Sinha)
Director (Vigilance-I)

CHECK LIST OF ITEMS IN PROSECUTION CASES IN RESPECT OF ADMINISTRATIVE AUTHORITIES/STATE GOVERNMENTS

[to be filled in by the concerned Administrative Authorities/State Government at the time of conveying their views and recommendations]

Sl. No.	Head	Yes/No/Details	Folder No./Page No.
1.	Date of receipt of proposal from the investigating agency.		
2.	Whether the complete case records were received from the investigating agency? If not, the date of receipt of complete proposal.		
3.	Whether any additional information was sought from the investigating agency? If Yes, details thereof.		
4.	Whether any criminal offences under the Indian Penal Code or other statutory provisions have been alleged by the investigating agency qua the officer?		
5.	Whether the administrative authority/State Government has obtained the approval of the competent authority with respect to the recommendation being made in respect of the proposal?		
6.	Whether the copies of such processing by the administrative authority/State Government have been enclosed?		
7.	Whether a specific sanction has been sought by the investigating agency under the provisions of section 197 of the Code of Criminal Procedure?		
8.	Whether the competent administrative authority/State Government has obtained any legal opinion in the matter?		
9.	If so, whether the copy of such legal opinion, if any, has been enclosed?		
10.	Whether the sanction u/s 197 of the Cr. P.C., if sought by the investigating agency, has been accorded by the competent administrative authority/State Government?		
11.	Whether such sanction is unequivocal and clear without any riders?		
12.	Date and number of the sanction so accorded/denied by the competent administrative authority/State Government.		

** Signature _____
Name of officer signing this statement

(in Block letters). _____
Designation _____
Telephone No. _____
Date: _____

**To be signed by an officer not below the rank of Secretary to the State Government (General Administration Department)/ Joint Secretary to the Government of India.

Immediate Confidential

No.10778/99-AVD.I
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, Dated October 27, 1999

e- To
7.10.99

The Chief Secretaries of
All State Governments/Union Territory Admns.
(As per list)

27 OCT 1999

Sub. Sanction for prosecution under the P.C. Act, 1947/1988
against IAS officers- Proposal regarding.

Sir,

As you are aware, under Section 19 of the P.C. Act, 1988 (corresponding Section 6 of the P.C. Act, 1947), it is necessary for the prosecuting agency to seek the previous sanction of the appropriate administrative authority for launching prosecution against a public servant for the alleged P.C. Act offences mentioned in the Investigation Report. In respect of members of the Indian Administrative Service, such sanction is required to be accorded by the Department of Personnel & Training in the Central Government as in terms of Section 19(1) of the P.C. Act, 1988, the Central Government (Department of Personnel & Training) alone is competent to remove such officers from service.

2. Sanction of the Competent Authority under the Central or State Government is also necessary under Section 197 (1) of the Cr.P.C. Act, 1973, if such an IAS officer is accused of any IPC offence, alleged to have been committed by him while acting or purporting to act in the discharge of his official duties. If such an officer at the time of committing the alleged IPC offences is or was employed in connection with the affairs of the Central Government, such sanction under Section 197 (1) of the Cr.P.C. is required to be accorded by the Central Government. If such a member of the All India Service is or was serving in connection

in the office of the State Government, such sanction u/s 197 (1) of the Cr.P.C. shall be required to be accorded by the State Government.

3. When such sanction under the P.C. Act is required against an IAS officer by the State Government and the concerned officer is serving in connection with the affairs of the State Government, the Competent Authority under the State Government is required to examine the case on the basis of evidence on records and forward the documents to the Central Government alongwith their views/recommendation thereon and also enclosing the sanction, if any, issued by the State Government u/s 197 (1) of the Cr.P.C.

4. It may also be relevant to mention in this connection that the requisite sanction u/s 6 of the P.C. Act, 1947 and under the corresponding section 19 (1) of the P.C. Act, 1988 against a retired IAS officer is not required to be accorded by the Competent Authority under the Central Government as such an officer has ceased to be public servant in terms of the Supreme Court judgement in R.S. Nayak (Appellant) Vs. A.R. Antulay (Respondent) (AIR 1984 S.C. 684). Therefore, proposals for obtaining sanction against retired IAS officer need not be referred to the Central Government for obtaining sanction of the Competent Authority.

5. It is seen from the proposals received in this regard from the various State Governments that while seeking sanction of the Competent Authority under the P.C. Act for prosecuting an IAS officer, this Department is receiving proposals in some cases which are not complete in as much as the relevant documents in original and the other supporting material/evidence are not made available to the Central Government. A check list of the items (copy enclosed) which has been prepared by this Department should be verified and enclosed in all cases while forwarding them to the Government of India for a decision.

6. It may also be relevant to mention in this regard that the Supreme Court in Vinay Narain's case has laid down a time limit

of three months (90 days) for taking a decision by the Competent Authority. Therefore, due to non-receipt of the relevant documents from the State Government in such cases, lot of delay takes place, which can be avoided if adequate precautions are taken by the State Government while referring the proposals to the Government of India for obtaining sanction of the Competent Authority.

7. In the light of the position stated above, you are requested to issue necessary instructions to the concerned authorities in this regard.

Yours faithfully,

Dh. Khatri
(D.P. Khatri)

Under Secretary to the Govt. of India

Tele:3011842

1224

27 OCT 1999

copy forwarded for information to sec
CVC, Satarkata Bhawan, GPO cor
Block - A, LAA, New Delhi.

W

Dh. K.
(D. P. K)
US to A



9/27-10-99

Check List of items in prosecution cases

1. Investigation report (in original). If the investigation report is in Hindi or any other language, a gist in English thereof will be required.
2. Case records (in original or authenticated copies thereof as mentioned in the investigation report, which are relevant for the purpose of determining the culpability of the officer for the alleged offence under the P.C. Act.
3. Draft Sanction Order (in English).
4. Version of the accused officer and comments of the investigating officer to rebut his contentions.

5. Opinion of State Law Department.
6. Whether the proposal for obtaining sanction of the Centre Government has been referred to Department of Personnel & Training with the approval of the Competent Authority under the State Government
7. Whether sanction of the Competent Authority under the State Government under Section 197 (1) of the Cr.P.C. for the alleged IPC offences, if committed by the officer, has been issued and if so, a copy of the same is to be enclosed with the proposal under reference. If the IAS officer has retired from service, sanction of the Competent Authority under the P.C. Act is not required to be accorded.