Sub: Consultation with CVC at the Appeal/Revision Stage, where the Appellate/Revising Authority, subordinate to the President, proposes to modify/set aside the penalty imposed by the Disciplinary Authority

Presently, in cases where UPSC is not required to be consulted, consultation with the CVC is being done where the Appellate/Revising Authority, subordinate to the President, proposes to set aside or modify a penalty, imposed by the Disciplinary Authority, on the advice of the CVC i.e. AA/RA, subordinate to the President, proposes to deviate from the advice tendered earlier by the CVC.

2. However, in a recent case, referred to CVC, where Appellate Authority, subordinate to the President, had proposed to deviate from the second stage advice tendered earlier by the CVC, it was informed vide CVC’s ID No. 0011/RLY/31 dated 8.2.06 that the Commission does not tender advice at appeal stage quoting CVC’s letter No. 000/DSP/1 dated 10.2.03, which states as under:

“Sometimes, after imposition of the punishment by the Disciplinary Authority, the Charged Official makes an appeal. The Appellate Authority is expected to keep the advice tendered by the Commission and decide on the appeal accordingly. In case, the Appellate Authority decides to deviate from the advice given by the Commission on appeal, the CVO of the Ministry will report this to the Commission, which will take an appropriate view whether the deviation is serious enough to be included in its Annual Report”.

Thus, with reference to CVC’s letter dated 10.2.03 read along with its ID dated 8.2.06 ibid, it has been decided that in cases where Appellate/Revising Authority, subordinate to the President, decides to deviate from the advice tendered earlier by the CVC, the case is, now, not required to be referred to the Commission and instead CVO of Ministry i.e. Adviser (Vig.) will only report this
deviation to the CVC for its consideration for inclusion of the deviation in its Annual Report or otherwise.

All SDGMs/CVOs should, however, send details along with all relevant case details, copy of AA’s/RA’s speaking orders and copy of NIP of such cases to Railway Board for information of Adviser (Vigilance).

All concerned may please note for taking action accordingly.

(Sanjay Goel)
Director Vigilance (Mech.)
Railway Board

Copy to –

1. JS(E&P), Railway Board
2. All Officers in Vigilance Directorate, Railway Board
3. All Vigilance Branches in Railway Board