Sub: Preparation of charge-sheets for RDA in CBI investigated cases

Attention is invited to Board’s letter No.2005/V-1/CVC/1/15 dated 22.01.2006 (RBV No.03/2006) vide which it was advised that in certain types of CBI investigated cases, the CBI could be requested, through the CVC, for providing a Presenting Officer.

2. CBI has since dispensed with the practice of sparing their officials for appointment as Presenting Officer in departmental proceedings. The CVC is of the opinion that as the organisation’s functionaries are appointed as Presenting Officers in departmentally investigated cases, there is no reason why a departmental functionary cannot present the case before an Inquiry Officer in a CBI investigated case.

3. Moreover, CBI has recently also discontinued the longstanding practice of appending draft charge-sheets/imputations of misconduct along with the SPs reports in those cases where RDA is recommended by the CBI. The Commission is of the view that when draft charge-sheets are prepared internally for departmentally investigated cases, there is no reason not to do so, in respect of cases investigated by the CBI, where reports are well structured and also well made out. However, where the departmental functionaries, owing to the technicalities or intricacies involved in a case, face a real/genuine problem or difficulty in preparing charge-sheets, the same can be taken up with the CBI appropriately. Needless to say that such instances should be few and far between i.e. exceptions only.

P.T.O
4. In view of above, the respective departmental functionaries shall prepare charge-sheet/statement of imputations and list of exhibits and witnesses in CBI investigated cases where RDA has been advised. Similarly, Presenting Officer shall also be appointed from within the organization.

5. All concerned may please note for strict compliance that in CBI investigated cases, where RDA has been recommended, follow-up actions on CBI reports shall henceforth not be delayed or held up on account of either non-availability of draft charge-sheets from CBI or because CBI is not in a position to spare its officials for appointment as Presenting Officer.

(Sanjay Goel)
Director Vigilance (M)
Railway Board

No.2009/V-1/DAR/1/3
New Delhi, dated May 1, 2009

Copy to:- The Secretary (Attention : Smt. Shalini Darbari, Director), Central Vigilance Commission, Sarakata Bhawan, Block-A, GPO Complex, INA, New Delhi-110023 - for information w.r.t. their Circular No. 8/4//09, circulated vide their letter No.009/VGL/018 dated 01.04.2009.

(Sanjay Goel)
Director Vigilance (M)
Railway Board

Copy to:- All Officers & the Branches of Vigilance Directorate.