Government of India  
Ministry of Railways  
(Railway Board)  

No. 2013/V-1/VP/1/6  
New Delhi, dated 21.10.2013  

(I)  
General Managers (Vigilance)  
CR, ER, ECR, ECoR, NR, NCR, NER, NFR, NWR,  
SR, SCR, SER, SECR, SWR, WR & WCR.  

(II)  
Chief Vigilance Officers (CVOs)  
CLW, DLMW, DLW, ICF, RCF, RWF,  
CORE, METRO, RDSO, IRCON, RITES, IRFC,  
CONCOR, KRCL, IRCTC, RAILTEL, MRVC & RVNL.  

Sub: Consultation with CVC for advice along with tabular statement in a specified proforma.  

Vide Board’s letter No. 2009/V-1/CVC/1/6 dated 16.04.2009 (RBV No. 05/2009) a proforma was prescribed to be sent to Vigilance Directorate/Railway Board for referring cases to the CVC for their advice (I stage/2nd Stage) to avoid delay caused as a result of making back reference to the Zones for want of complete/consolidated information.  

In spite of the instructions, it is still seen that information in the prescribed proforma is not being received from some Zones. You are, therefore, once again requested to send information as prescribed in the letter dated 16.04.2009. Apart from the above, you are also requested to send copies of investigation report and inquiry report in a CD.  

[Vikas Purwar]  
Director Vigilance (M)  
Railway Board  

Copy to:- All Officers & Branches of Vigilance Directorate – for information and necessary action.
Sub: Second stage consultation with CVC in disciplinary cases involving consultation with UPSC

Enclosed please find DoP&T's OM No. 372/19/2011-AVD-II[Pt.I] dated 26.9.11 followed by CVC's circular No.17/12/12 dated 7.12.12 on the subject above. It may be seen that as per para 2 of CVC letter dated 07.12.12, the Commission in supersession of all its existing instructions/provisions in the Vigilance Manual hereby prescribes that in disciplinary cases involving Group 'A' officers of the Central Government, members of All India Services and such categories of officers where an original order is to be issued by the President imposing any of the penalties wherein, the UPSC is required to be consulted as per extant rules, the Central Vigilance Commission need not be consulted for second stage advice on conclusion of the disciplinary proceedings. In all such disciplinary cases, in which it is necessary to consult the UPSC, the disciplinary authorities concerned would forward the records of the disciplinary case to the UPSC, for its advice and take further action taking into consideration, the advice of the UPSC.

The above instructions of the Commission may be followed strictly.

(Vikas Purwar)
DV[M]
2.10.2013

DDs/JDs/Directors/EDs of Vigilance Directorate
Circular No.17/12/12

Subject: Second stage consultation with the CVC in disciplinary cases involving consultation with UPSC - Amendment to the Vigilance Manual -reg.

The Commission, at present, is being consulted at two stages in vigilance cases/disciplinary proceedings, i.e. first stage advice is obtained on the investigation reports, and second stage advice is obtained before a final decision is taken at the conclusion of the proceedings. The Department of Personnel & Training (DoPT) had issued guidelines vide OM No.372/19/2011-AVD-III(Pt.) dated 26.09.2011 regarding dispensing with second stage consultation with the Central Vigilance Commission (CVC) in disciplinary cases involving consultation with Union Public Service Commission (UPSC).

2. In order to ensure speedy finalisation of disciplinary matters and to avoid possibilities of difference of opinion between UPSC and CVC, it has been decided as a policy to prescribe only one consultation (either with UPSC or with CVC). The Commission therefore, in supersession of all its existing instructions/provisions in the Vigilance Manual hereby prescribes that in disciplinary cases involving Group ‘A’ officers of the Central Government, members of All India Services and such categories of officers where an original order is to be issued by the President imposing any of the penalties wherein, the UPSC is required to be consulted as per wan rules, the Central Vigilance Commission need not be consulted for second stage advice on conclusion of the disciplinary proceedings. In all such disciplinary cases, in which it is necessary to consult the UPSC, the disciplinary authorities concerned would forward the records of the disciplinary case to the UPSC for its advice and take further action taking into consideration, the advice of the UPSC.
3. However, in disciplinary cases wherein, the disciplinary authorities propose not to impose any of the statutory penalties at the conclusion of disciplinary proceedings, (i.e., cases where the UPSC are not required to be consulted), the second stage consultation would continue to be made to the Central Vigilance Commission, involving Group 'A' officers of the Government, members of All India Services and such other categories of officers prescribed by law or the Central Government involved in composite cases. In other words, all disciplinary proceedings in which the disciplinary authorities propose to exonerate or discharge the accused, the consultation at second stage would continue to be made to the Central Vigilance Commission and the concerned administrative authorities.

4. The above dispensation would not be applicable to the disciplinary cases being referred to the Commission involving officials of the CPSEs/PSBs, Sector Insurance Companies/Societies/Local Authorities/Autonomous Organisations, etc., and such cases would continue to be referred to the Commission for its second stage advice as per existing prescribed procedure.

To,

i) The Secretaries of Ministries/Departments of Government of India
ii) The Chief Secretaries to Union Territories
iii) The Chief Vigilance Officers of Ministries/Departments of Government of India

Copy for Information to:-

i) The Secretary, Union Public Service Commission
ii) The Secretary, Department of Personnel & Training
iii) The Director, Central Bureau of Investigation

(J. Vinod Kumar)
Office on Special Duty
No.372/19/2011-AVD-III(Pt.1)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi the 26th September, 2011.

OFFICE MEMORANDUM

Subject: Dispensing with second stage consultation with the CVC in disciplinary cases.

The Government had constituted a Group of Ministers (GoM), on 6th January, 2011 with the approval of the Prime Minister to consider measures that can be taken by the Government to tackle corruption. One of the terms of reference (ToR) of the GoM was to consider and advise on “Fast tracking of all cases of public servants accused of corruption”. The GoM, while considering this (ToR) also considered certain important recommendations of the Hota Committee (Committee of Experts to review the procedure of Disciplinary/Vigilance Inquiries and recommended measures for their expeditious disposal) and decided that second stage consultation with CVC in disciplinary matters may be dispensed with. However, in those cases where consultation with UPSC is not required as per extant rules/instructions, the second stage consultation with CVC should continue.

The above recommendation of the GoM has been accepted by the Government with the approval of the Prime Minister. All Ministries/Departments are, therefore, advised to strictly adhere to the new procedure with immediate effect.

The Central Vigilance Commission has been separately requested to amend its Vigilance Manual and other relevant instructions accordingly.

(V.M. Rathnam)
Deputy Secretary to the Government of India
Tel. No. 011-23094637

To
1. All Ministries/Departments as per standard list.
2. Central Bureau of Investigation, CGO Complex, New Delhi.
3. Prime Minister’s Office, South Block, New Delhi.
4. NIC, DoP&T for uploading on the website of the Department.

Copy to:-
1. Central Vigilance Commission, Satarkaka Bhawan, New Delhi.