GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. 2013/V-1/VP/1/2

The General Managers
Zonal Railways/PUs/CORE/ALD
NF(CONST)/METRO/KOLKATA

Director Generals
RDSO/LKO & NAIR/BRC

New Delhi, dt. 26.02.2014

The General Managers
(Vigilance)
Zonal Railways

Chief Vigilance Officers
PSUs/PUs/RDSO/METRO/CORE/
RSC

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-III(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.

The above instructions of the Commission may be followed till further orders.

DA: As above.

(Vikas Purwar)
Director Vigilance (Mech.)
Railway Board
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 disciplinary proceedings, i.e., first stage advice is obtained on the investigation and second stage advice is obtained before a final decision is taken at the stage of the proceedings. The Department of Personnel & Training (DoPT) had guidelines vide OM No.372/19/2011-AVD-III(Pt.) dated 26.09.2011 regarding using with second stage consultation with the Central Vigilance Commission (CVC) in disciplinary cases involving consultation with Union Public Service Commission (UPSC).

In order to ensure speedy finalisation of disciplinary matters and to avoid possibility of difference of opinion between UPSC and CVC, it has been decided as to prescribe only one consultation (either with UPSC or with CVC). The mission therefore, in supersession of all its existing instructions/provisions in the Vigilance Manual hereby prescribes that in disciplinary cases involving Group 'A' employees of the Central Government, members of All India Services and such cases of officers where an original order is to be issued by the President, any of the penalties wherein, the UPSC is required to be consulted as per instructions, the Central Vigilance Commission need not be consulted for second 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.?
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 with the Central Vigilance Commission, involving Group 'A' officers of the Central Government, members of All India Services and such other categories of officers of the Central Government involved in composite cases. In other words, all disciplinary proceedings in which the disciplinary authorities propose to exonerate or drop the charges, the consultation at second stage would continue to be made to the CVC by 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/PSUs/Public Sector Insurance Companies/Societies/Local Authorities/Autonomous Organizations etc. and such cases would continue to be referred to the Commission for its second stage advice as per existing prescribed procedure.

(J. Vinod Kumar)
Officer on Special Duty

To,

1) The Secretaries of Ministries/Departments of Government of India
2) The Chief Secretaries to Union Territories
3) The Chief Vigilance Officers of Ministries/Departments of Government of India

Copy for Information to:

1) The Secretary, Union Public Service Commission
2) The Secretary, Department of Personnel & Training
3) The Director, Central Bureau of Investigation
Subject: Dispensing with second stage consultation with the CVC in disciplinary cases.

The Government has constituted a Group of Ministers (GoM), on 6th January, 2014 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. Raghavan)
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, CIG Complex, New Delhi.
3. Prime Minister’s Office, South Block, New Delhi.

Copy to:

1. Central Vigilance Commission, Satarkata Bhawan, New Delhi.