Sub: Reiteration of Board Circular no.2006/V-1/VP/1/15 dated 31.01.2007

Board had issued circular no. 2006/V-1/VP/1/15 dated 31.01.2007 which had clarified the difference between seeking clarifications from accused officials through a “Questionnaire” as opposed to seeking clarifications from witnesses called “Statements/Examinations in connection with an investigation”.

Vide para d) of the circular of 31.01.2007 it was advised, interalia, that para 413 of the IRVM, 2006 clearly provides that a vigilance case may be registered against an official when the approval of the SDGM/CVO/GM has been taken for seeking clarifications from the accused officials after investigations have established that prima facie a case exists against the concerned official for irregularities committed by him. In such a case, clarifications taken from such accused officials is titled as “Questionnaire”. The names of such officials should be part of the tabular statement that incorporates the names of all accused in the investigation report. Due procedure is required to be followed for logical closure in such cases.

The Board circular of 31.01.2007 had also clarified that, during the course of investigation, it may be necessary to seek clarifications from witnesses in some cases. Such instances of clarifications taken from witnesses shall be called “Statement/Examination in connection with the investigation”. Such witnesses shall not be required to give their complete bio-data and shall be required to only give their full name, date of birth, designation, grade and date since working in the present post, below the signature at the end of the “Statement/Examination in connection with investigation”. The names of such witnesses are not to be mentioned in the tabular statement provided at the end of investigation reports. Needless to say, names of witnesses are not to be uploaded on the IRVINS database and no closure advice is required to be sought/given in the case of witnesses.

The said circular is also attached for easy ready reference. The instructions contained in the circular are reiterated for implementation.

DA: As above

(Mayank Tewari)
Director Vigilance (Mech.)
Railway Board

Copy to: (i) All Officers and the Branches of Vigilance Directorate
Sub: Advice of closure of Vigilance Investigation
Ref: This office letter of even number dated 22.11.06

Instructions for issuing closure advice, where applicable, after course of action is finally decided by the competent authority, as per procedure were issued vide Board’s letter dated 22.11.06 referred above. One of the railways has sought exemption from issuing closure advice in respect of cases decided during 2006 on the ground that no record of clarifications taken of railway officials has been kept separately other than the vigilance file itself. Further, Railway has also requested that authority to sign closure advice may be amended as “any gazetted officer of vigilance department” as in many cases involving ‘NG staff’ only, the action upto minor penalty proceedings is being decided at the level of Junior Scale/Senior Scale officers only. Railway has also sought clarifications whether instructions regarding issue of closure advice are applicable for clarifications taken from witnesses also during the course of investigations.

The above issues have been examined and following is advised with the approval of competent authority, i.e. AM(Vigilance) for compliance:

(a) Request for not issuing closure advice in respect of cases decided in 2006 has not been agreed to. Files of all the cases decided during 2006 may be checked and closure advice issued as per directives already conveyed vide Board’s letter dated 22.11.06 referred above.

(b) As per Para 416 of the Vigilance Manual, finalization of reports of preventive checks conducted against NG officials is within the competence of SDGM/CVO. It, therefore, logically follows that same procedure be adopted for cases where complaint is against NG officials only. Thus, the procedure of finalization of cases involving NG officials only (may be upto minor penalty action/exoneration) at the level of Junior Scale/Senior Scale Officers is not in conformity with the extent, instructions and may lead to inconsistency in
dealing with the cases. Thus, finalization of cases involving NG officials only should not be done at the level below SDGM/CVO as mentioned above.

(c) No change is considered necessary in the existing instructions which stipulate that closure advice should be signed by a vigilance officer not below the JA Grade.

(d) As per Para 413 of the Vigilance Manual, clarifications are taken from the accused officials after investigation have established that prima facie, a case exists against them and the cases are also registered against such officials only. Thus, issue of closure advice for clarifications taken from witnesses is not considered necessary. However, to avoid any uncertainty in the minds of witnesses, identical formats should not be used for taking clarifications from accused officials as well as witnesses. Thus, following course of action should be followed in this regard:

(i) Clarifications taken from accused officials shall continue to be titled as “Questionnaire” while clarifications taken from witnesses shall be called as “Statement/Examination in connection with investigation”.

(ii) Witnesses shall not be required to give their complete bio-data in the beginning as prescribed for taking clarifications from accused officials.

(iii) Witnesses shall be only required to give their full name, date of birth, designation, grade and date since working in the present post, below the signature at the end of the “Statement/Examination in connection with investigation.”

Action in accordance with the above may be ensured and confirmation sent to this office.

This also disposes off GM/Vig./S.E. Railway’s letter No. Dy.CVO(S)/Admn/ 2006 dated 28.12.2006.

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

Copy to:

All Officers and Sections in Vigilance Directorate, Railway Board