No. 2016/V1/CVC/1/1 New Delhi, dated 11/09/2018

The General Manager(Vigilance) Chief Vigilance Officers/PUs/PSUs
Zonal Railways
CORE/ALD, NF(CONST)/
METRO/KOLKATA

Director Generals / CAO/COFMOW
RDSO/LKO & NAIR/Vadodara DMW/Patiala

Sub.: Inordinate delays leading to complete blunting of vigilance administration-Adherence to time limits in processing of disciplinary cases -

Vide RBV No.02/2017 instructions were issued for expeditious disposal of disciplinary proceedings.

However instructions have been reiterated by CVC vide circular No.07/07/18 circulated vide letter No.000/VGL/18-388880 dated 26.07.2018 (Copy enclosed) regarding adherence to time limits in processing of disciplinary cases and by DoPT vide their OM No.344/13/2017-AVD-III dated 29.08.2018 (Copy enclosed) regarding inordinate delays leading to complete blunting of vigilance administration respectively.

It is once again reiterated that cases may be dealt by all ZRs/PUs etc. expeditiously duly complying DoPT/CVC/Railway Board's instructions issued from time to time.

DA/As above.

(Rajnish Kumar)
Director Vigilance (M)
Railway Board
Subject: Adherence to time limits in processing of disciplinary cases - reg.

Reference:
(i) Commission’s Letter No.000/VGL/18 dated 23.05.2000
(ii) Commission’s Office Order No.51/08/2004 dated 10.08.2004
(iii) Commission’s Circular No.02/01/2016 dated 18.01.2016

The Commission has been emphasizing from time to time on the need for expeditious completion of disciplinary proceedings. The model time limits for investigation of complaints and for different processes of disciplinary proceedings have been laid down in Commission’s letter of even number dated 23rd May 2000.

2. The Commission would like to invite the attention of the Administrative Authorities/Disciplinary Authorities to the undue delays in finalizing vigilance cases especially the conduct of disciplinary proceedings despite having a built in time line for every activity. Further, such unexplained delays lead to Central Administrative Tribunals and the High Courts quashing the charge-sheet(s) on the sole ground that the concerned Disciplinary Authorities had issued charge-sheets to the delinquents after very long periods of commission of alleged misconduct etc. and also for unexplained delays in conducting disciplinary inquiries.

3. Timely completion and finalization of disciplinary proceedings is the prime responsibility of the Disciplinary Authority/Administrative Authorities concerned in all Departments/Organizations. More so, such long delays in finalizing disciplinary matters are not only unjust to officials who may be finally exonerated, but helps the guilty to evade punitive action. The Commission had earlier vide its circular no.02/01/2016 dated 18/01/2016 emphasized on the various steps needed to be taken by all concerned obviating delays at different stages of the process right from investigation to finalization of disciplinary proceedings by way of regular monitoring of these cases/matters.
4. The Commission while reiterating the above said instructions would impress upon all concerned that the time limits prescribed by the Commission/DoPT for processing disciplinary cases at various stages may be strictly adhered to. All disciplinary authorities, in each Ministry/Department/Organization need to regularly monitor the progress of individual disciplinary cases and take necessary steps as deemed appropriate to ensure that the disciplinary proceedings are completed within prescribed time-limits and are not unduly delayed.

5. All CVOs are also therefore advised to apprise the concerned officers regarding the above guidelines for compliance in monitoring progress/ handling disciplinary proceedings.

(M.A. Khan)
Officer on Special Duty

To

(i) The Secretaries of all Ministries/Departments of Govt.
(ii) All Chief Executives of CPSUs/PSBs/FIs/PSICs/Autonomous Bodies/etc.
(iii) All CVOs of Ministries/Depts/CPSUs/PSBs/FIs/PSICs/Autonomous Organizations.
(iv) Website of CVC
Office Memorandum

Subject: Inordinate delays leading to complete blunting of vigilance administration — reg.

The undersigned is directed to refer to communication No.99/FNC/023/350320 dated 04.07.2018 from the Central Vigilance Commissioner received through Cabinet Secretariat, expressing serious concerns about inordinate delays in completion of disciplinary proceedings against officers.

2. CVC has pointed out to inordinate delays (even for 18 years in an instance cited) in investigation and by apparently deliberate seeking of repeated reconsiderations from CVC, leading to an advice for initiation of minor penalty proceedings on the verge of retirement. As no minor penalty can be imposed post-retirement, the entire effort was rendered to be an exercise in futility.

3. This Department is of the view that inordinate delays in handling vigilance matters lead to complete blunting of Vigilance Administration. In this regard, the attention of all Ministries/Departments is being drawn to CVC’s circular No. 02/01/2016 dated 18.01.2016 and DOPT’s OM No. 425/02/2012-AVD-IV(A) dated 29.11.2012, prescribing guidelines for timely completion of Departmental Inquiry/ Disciplinary Proceedings for improving vigilance administration.

4. In view of the above, all Ministries/Departments are advised to ensure strict adherence to the instructions of CVC/DoP&T referred to above, to avoid such inordinate delays in completion of Disciplinary Proceeding cases.

5. This issues with the approval of the Competent Authority.

Under Secretary to the Government of India
Tel. No. 2309 4541

To

1. Secretary, all Ministry/Department (As per standard list).

Copy to:

1. Secretary, Central Vigilance Commission, Satarkata Bhawan, New Delhi.
2. Prime Minister’s Office, South Block, New Delhi.
3. Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
4. NIC, DoP&T for uploading on the website of the Department.