Sub : Adherence to time limit in processing of disciplinary cases.

Attention is invited to the Board’s letter No.2004/V-1/DAR/1/5 dated 03.09.2004 (RBV No.20/2004), on the above subject regarding adherence of time limit in conducting investigations and the departmental inquiries and accountability for delay in decision making by various administrative authorities while dealing with the vigilance cases.

2. The CVC have again pointed out with concern that the observance of time schedule in conducting investigations and the departmental inquiries is often lax and there are similar delays noticed on part of the decision making authorities, leading to the disciplinary proceedings getting indefinitely prolonged.

3. The CVC have also noticed that sometimes the disciplinary authorities misinterpret the Supreme Court judgment in the case of K. V. Janakiraman etc. vs Union of India, regarding adopting sealed cover procedure on the recommendations of Departmental Promotion Committee for certain categories of officials. It is reiterated that in accordance with the Supreme Court ruling in the K.V.Janakiraman etc. vs Union of India case, the findings of the Departmental Promotion Committee in respect of the following categories of officials would be kept in a sealed cover :-

(i) Government servants under suspension;

(ii) Government servants in respect of whom a charge-sheet has been issued and disciplinary proceedings are pending; and

(iii) Government servants in respect of whom prosecution for a criminal charge is pending.

4. It may also be clarified that a Government servant who is recommended for promotion by the DPC but in whose case any of the above circumstances arise after the date of receipt of recommendation of the DPC, but before he is actually promoted, would be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him.
5. Undue delays on part of administrative authorities, in dealing with disciplinary cases, will be viewed seriously by the CVC, which would be constrained to advise penal action against those found responsible.

6. It is desired that these instructions may be strictly adhered to while dealing with the disciplinary cases, arisen as a result of vigilance investigations. Further, it is also necessary to correctly interpret/apply the Supreme Court judgment in Janakiraman case on sealed cover in the light of instructions issued by the DOPT, already forwarded to you vide board’s letter No. E(D&A)92RG6-149B dated 21.01.1993 (RBE No.14/1993).

(Sanjay Goel)
Director Vigilance (M)
Railway Board

No.2006/V-1/DAR/1/9 New Delhi, dated September, 2006

Copy to - The Central Vigilance Commission, (Attention: Shri V. Kannan, Director) Block A, Satarkata Bhawan, GPO Complex, INA, New Delhi – 110 023 w.r.t. their letter No. 006/VGL/025 dated 21.07.2006 – for information.

(Sanjay Goel)
Director Vigilance (M)
Railway Board

Copy to:- All officers and the Branches of Vigilance Directorate.