The General Managers,
All Zonal Railways, PUs, CORE & Metro

The CAO/DLMW, DGs/RDSO & RSC,
The Managing Directors/All PSUs

The SDGMs/CVOs,
All Zonal Railways/PU & PSUs

Sub:  Adherence to time limit for grant of sanction for prosecution.

Please find enclosed herewith a copy of DoP&T’s O.M.No.399/33/2006-AVD.III dated 06.11.2006 on the above subject vide which guidelines have been issued for checking delays in grant of sanction for prosecution for your information and necessary action.

Keeping in view the guidelines contained in DoP&T’s O.M. dated 06.11.2006, it has been decided by the competent authority i.e. Chief Vigilance Officer of the Ministry of Railways that from now onwards, in respect of cases involving gazetted officers (GOs) only or composite cases involving both GOs and NGOs (non-gazetted officials) which require processing at Board’s level and thereafter in CVC before a final decision is taken by the competent authority, whether received by Zonal Railway/PU/PSU directly from respective CBI unit or referred to them by the Railway Board, maximum time of one week shall be taken by the Zonal Railway/PU/PSU for furnishing their comments.

Similarly, in respect of cases relating to sanction for prosecution of NGOs only, where processing is limited to Zonal Railway/PU/PSU, requisite orders should be issued within 4 weeks of receipt of request from respective CBI unit.

All pending cases for sanction of prosecution should be reviewed by SDGM/CVO concerned, every week or more frequently as required to ensure that cases for sanction of prosecution are not delayed. It shall be the personal responsibility of the SDGM/CVO concerned to ensure that time limits as mentioned above are strictly adhered to. If above mentioned time frame is not observed, in any case, then SDGM/CVO concerned shall mandatorily forward
written explanation duly seen by the General Manager to AM(Vigilance) in the Railway Board for appropriate examination and further necessary action.

DA: As above.

(Sanjay Goel)
Director Vigilance (M)
Railway Board
No.399/33.2006-AVD-III
Government of India
Minister of Personnel, Public Grievances & Pensions
Department of Personnel & Training
New Delhi, dated the 6th November, 2006

OFFICE MEMORANDUM

Subject: Guidelines for checking delay in grant of sanction for prosecution.

The Hon'ble Delhi High Court on its own motion has taken suo moto cognizance of a newspaper report, relating to long delays in grant of sanction for prosecution cases. The Hon'ble Court has expressed its concern over the non-action on the part of competent authorities in granting sanction for prosecution, despite the fact that the Hon'ble Supreme court in Vineet Narain Vs Union of India had directed that "time limit of three months for grant of sanction for prosecution must be strictly adhered to. However, additional time of one month may be allowed where consultation is required with the Attorney General (AG) or any Law Officer in the AG's office".

2. Delay in the disposal of sanction of prosecution cases is not in the interest of the Government. The Government is keen that innocent officers should not needlessly face harassment through prosecution while at the same time the really culpable and guilty officers should not escape prosecution on account of failure of the competent authority to appreciate properly the fact brought out in the CBI investigation reports. In order to ensure that cases for grant of sanction for prosecution are disposed of quickly, it has been decided that the following measures should be adopted with immediate effect:

(i) In cases investigated by the Central Bureau of Investigation against any public servant who is not removable from his office except with the sanction of the President, the CBI forwards its final report of investigation to the CVC and also simultaneously endorses a copy of the report to the administrative Ministry/Department concerned, the competent authority shall within three weeks formulate its tentative view.
regarding the action to be taken and seek the advice of the CVC in the matter.

(ii) The CVC would tender its advice within ten days to the concerned administrative Ministry/Department, which shall finalize its view in the matter within a week and issue orders for sanction for prosecution accordingly.

(iii) The concerned Ministry/Department shall refer the case to CVC for reconsideration only in exceptional cases when new facts come to light. The Committee of experts proposed to be set up by the CVC, with experts drawn from the civil services, public sector undertakings and banks shall examine the CBI’s recommendation and the tentative view of the concerned Ministry/Department in greater detail and CVC would render appropriate advice to the competent authority based on the findings of the expert committee, within a fortnight.

(iv) If the CVC on reconsideration advises for grant of sanction, the concerned Ministry/Department will issue the requisite orders immediately. However, if the concerned Ministry/Department proposes not to accept the reconsidered advice of the CVC, the case will be referred to the Department of Personnel and Training for a final decision, as per the DOP&T O.M. No/ 134/2/85-AVD-I dated 17.10.1986.

(v) The responsibility of processing cases for sanction of prosecution within the time limits laid down shall continue to remain with the Administrative Ministries/Departments. All pending cases for sanction of prosecution would be reviewed every month by the concerned Secretary to ensure that a decision in a case for grant of sanction for prosecution is taken within the given time frame.

(vi) The Central Vigilance Commission will call (as proposed by it) a meeting of Secretaries of such Departments, where there are delays in according sanction for prosecution, for a review from time to time and draw DOP&T’s attention on such delays.

(vii) In case a decision is not taken by the Administrative Ministry/Department within the time limit laid down, the concerned
Secretary of the Department shall mandatorily forward a written explanation to the Cabinet Secretary for appropriate examination by the competent authority.

(ix) All such delayed cases will be placed before a Committee to be chaired by Secretary (Personnel) and comprising the Secretary of the Administrative Ministry/Department, Law Secretary and Director, CBI for scrutiny and recommendation. A copy of the explanation furnished by the Secretary of the Administrative Ministry/Department shall also be placed before the Committee. The recommendations of the Committee shall be forwarded to the Cabinet Secretary for orders of the competent authority.

(P. K. Tripathi)
Director (Vigilance)

To
(Secretary, by name), All Ministries/Departments of Government of India.

Copy to: (i) Secretary, CVC
(ii) Director, CBI
(iii) others as per standard list

[Signature]
Chairman Delhi Board
New Delhi