

CHAPTER II

CENTRAL VIGILANCE COMMISSION (CVC)

201. Objectives of establishing CVC:

The Central Vigilance Commission (CVC) was established by the Government of India on 11th February 1964 as an apex body for exercising general superintendence and control over Vigilance Administration. It was set up on the recommendations of the Committee on Prevention of Corruption, popularly known as the Santhanam Committee. Its establishment was considered essential for evolving and applying common standards in deciding cases involving lack of probity and integrity in Administration. It has been conceived as the apex Vigilance institution, free of control from any executive authority, monitoring all vigilance activity under the Central Government and advising various authorities in Central Government Organizations in planning, executing, reviewing and reforming their vigilance work.

202. Statutory status to CVC under CVC Act 2003:

202.1 As a result of the directions given by Supreme Court, in a public interest Writ Petition, to confer statutory status to the CVC, the Government of India promulgated an ordinance in 1998. This Ordinance gave CVC the powers to superintend functioning of the Delhi Special Police Establishment and review the progress of their investigations concerning alleged offences under the Prevention of Corruption Act, 1988. The Government introduced the CVC Bill 1998 in the Lok Sabha to replace the Ordinance. However, the Bill could not be passed and it was notified, under the Government's Resolution dated 4.4.99, that the CVC would continue to discharge its functions. The Bill was reintroduced in 1999. Ultimately, the CVC Act came into being in September 2003.

202.2 The **CVC Act 2003** provides for constitution of the Central Vigilance Commission, to inquire or cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act 1988, by certain categories of public servants of the Central Government, Corporations established by or under any Central Act, Government Companies, Societies and Local authorities owned or controlled by the Central Government and for matters connected therewith or incidental thereto.

203. Powers & functions of CVC:

The CVC has the following functions & powers:

1. To inquire or cause an inquiry or investigation to be made into any transaction in which a public servant working in any Organization, to which the executive

control of the Govt. of India extends, is suspected or alleged to have acted for an improper purpose or in a corrupt manner.

2. To tender independent and impartial advice to the disciplinary and other authorities in disciplinary cases, involving vigilance angle at different stages i.e. investigation, inquiry, appeal, review etc.
3. To exercise a general check and supervision over vigilance and anti-corruption work in Ministries or Departments of the Government of India and other Organizations to which the executive power of the Union extends.
4. To exercise superintendence over functioning of the Delhi Special Police Establishment (DSPE) with respect to investigation under the Prevention of Corruption Act (PC Act), 1988; or offences under the Criminal Procedure Code (Cr. P.C.) for certain categories of public servants and to give directions to the DSPE for the purpose of discharging this responsibility.
5. To review the progress of investigations conducted by the DSPE into offences alleged to have been committed under the PC Act.
6. To chair the Committee for selection of Director (CBI), Director (Enforcement Directorate) and officers of the level of SP and above in DSPE.

204. Jurisdiction of CVC:

- 204.1 The jurisdiction of CVC extends to all organizations to which the executive power of the Union extends (refer CVC's letter of 2003). However, for practical reasons, the Commission presently advises only on vigilance cases of Group 'A' officers in Central Government, All India Service Officers, and other officers of public sector undertakings, autonomous organizations, local authorities, societies etc. as notified by the Government. It also advises that investigations may be made into any complaint alleging offences under the PC Act. Notwithstanding that, the CVC has the residuary powers to call for any individual case in respect of employees other than those who are within its normal advisory jurisdiction. In addition, cases of difference of opinion between the CBI and the concerned administrative authorities, in respect of employees who are not within the normal jurisdiction of the CVC, are also resolved by the Commission.
- 204.2 The investigation reports furnished by Chief Vigilance Officers or CBI are examined in the CVC and, depending upon the circumstances and facts of each case, the Commission advises (a) initiation of criminal and/or departmental proceedings against the concerned public servant(s); or (b) issuance of administrative warning to him/her; or (c) closure of the case. The Commission's advice at this stage is termed as **first stage advice**.

204.3 The departmental proceedings could be for imposition of a major or a minor penalty. The inquiry report in major penalty cases is furnished to the Commission for its **second stage advice** before taking a final decision. It also tenders second stage advice in those cases in which the departmental proceedings for minor penalty were initiated on its advice, but the administrative authorities propose exoneration or administrative action on consideration of defence statement.

205. Organization of CVC:

205.1 The Central Vigilance Commission is a multi-member body consisting of the Central Vigilance Commissioner (CVC) and two Vigilance Commissioners (VCs) as its members. The appointment of the CVC and VCs is made by the President on the recommendations of a Committee consisting of (a) the Prime Minister, (b) the Minister of Home Affairs and (c) the Leader of the Opposition in the Lok Sabha.

(a) Staff Composition

The Central Vigilance Commission is assisted by a Secretary (of the rank of Additional Secretary to the Government of India), two Additional Secretaries (of the rank of Joint Secretary to the Government of India) and other staff which include nine officers (of the rank of Director/Deputy Secretaries), an OSD and four Under Secretaries. In addition, there are fourteen Commissioners for Departmental Inquiries (CDIs) who are nominated to conduct departmental inquiries relating to major penalty proceedings on behalf of the disciplinary authorities in serious and important disciplinary cases.

(b) Technical Wing

The Commission is assisted by its Technical Wing called the Chief Technical Examiner's Unit, with two Chief Technical Examiners (of the rank of Chief Engineer), who are assisted by eight Technical Examiners (of the rank of Executive Engineer), Six Assistant Technical Examiners (of the rank of Assistant Engineer) and other subordinate staff.

205.2 CTE's unit of the Commission is engaged in examination of Civil & Electrical works executed by Ministries/Departments of Government of India, Central Public Sector Undertakings, Banks and Financial Institutions and Cooperative Bodies etc. falling within the jurisdiction of the Commission. The inspection of Stores purchase contracts and works for computerization etc. is also undertaken by the CTE's Unit.

206. Vigilance angle:

206.1 CVC tenders advice in cases which involve a **vigilance angle**. It has defined vigilance angle as the following:

- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
- (ii) Obtaining any valuable thing, without consideration or with inadequate consideration, from a person with whom he has or is likely to have official dealings, or with whom his subordinates have official dealings or where he can exert influence.
- (iii) Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
- (iv) Possession of assets disproportionate to his known sources of income.
- (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.

206.2 This is not an exhaustive list. CVC has mentioned other irregularities where circumstances will have to be weighed carefully to take a view whether the officer's integrity is in doubt. These include cases of gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible public interest is evident; failure to keep the controlling authority/superiors informed in time. In these cases, the Disciplinary Authority and the Chief Vigilance Officer should carefully study the case and conclude whether there is reasonable ground to doubt the integrity of the officer.

206.3 Thus, the CVC gives its advice only in such cases in which there is a vigilance angle. In other cases where it concludes that the lapses do not attract vigilance angle, however, it does not imply that the concerned official is not liable to face the consequences of his action. Necessary disciplinary action will have to be taken by the concerned disciplinary authority under conduct/disciplinary rules, as deemed appropriate. These cases are not to be referred to CVC for any further advice.

207. Cases that have to be sent by Railway Board to CVC for advice:

207.1 All complaint cases (for action or closure) and other cases involving action against the following categories of officers have to be referred to CVC for advice:

- (i) All Group 'A' officers
- (ii) Group 'B' officers officiating on ad hoc basis in the senior scale (Rs.10,000 – 15,200).

207.2 The restrictions in the case of Group 'B' officers, as mentioned above, emanated out of CVC's letter No.98/VGL/15 dated 16.4.2004. This order meant that cases of Group 'B' officers working in the grades, Rs.7,500-12,000 and Rs.8,000-13,500, which were sent

earlier to CVC, are no longer required to be sent there. In these cases, advice will be given by Additional Member (Vigilance), who is the Chief Vigilance Officer, Ministry of Railways. However, in case of difference of opinion between the Disciplinary Authority and Additional Member (Vigilance), even these cases will have to be sent to CVC. In case of such officers, in which CVC had tendered its first stage advice before issue of its instructions dated 16.4.04, the matter need not be referred to it for its 2nd stage advice, if the Disciplinary Authority proposes to take action in consonance with the Commission's 1st stage advice, provided that none of the officers involved in that matter is a Group 'A' officer. However, in case the proposed action does not coincide with CVC's 1st stage advice, then the case will have to be sent to the Commission.

- 207.3 In a composite case, involving gazetted officers and non gazetted staff, CVC's advice would be necessary for all officials, irrespective of their level, if a Group 'A' officer is also involved with the case.
- 207.4 While delegating the powers of tendering advice in the case of Group 'B' officers to Additional Member (Vigilance), CVC has also observed that it may depute its officers to conduct Vigilance Audit through on site visits, monthly reports etc. If it comes across any matter, which in its opinion has not been handled properly, it may recommend its review or give appropriate directions.

208. CVC and complaints:

- 208.1 Vigilance investigation can be initiated on impulses arising from various sources, namely, an authenticated complaint (i.e. a signed complaint, with the name and address of the complainant, which is owned up by the complainant as having been sent by him), irregularity noted during a preventive check, serious irregularities highlighted by audit, departmental inspection reports, stock verification reports, scrutiny of annual property statements, reports of Parliamentary Committees like the Estimates Committee, Public Accounts Committee and the Committee on Public Enterprises, reports of irregularity in accounts revealed during the routine audit of accounts, complaints and allegations appearing in the Press, scrutiny of transactions reported under the Railway Services (Conduct) Rules, 1966, proceedings of the Houses of Parliament, etc.
- 208.2 While any of these sources can lead to detection and investigation of irregularities, complaints need to be tackled in a particular manner, as laid down in various policy instructions on the subject. The **broad features of complaint handling** are as below:
- (i) Anonymous complaints (i.e. complaints that do not bear the name and address of the complainant) and pseudonymous complaints (i.e. complaints which do not bear the signature of the complainant, or which on verification are not owned by the complainant) are not to be investigated. However, if the Railway Board/Zonal Railway proposes to look into any verifiable fact alleged in such complaints, it may refer the matter to CVC seeking its concurrence to do so. Such cases may be

referred to the Railway Board, through the Chief Vigilance Officer or the Head of the Organization, irrespective of the level of employees involved, for seeking concurrence of CVC.

- (ii) Complaints are also referred by CVC, calling for a report on it. Even though such complaints may be anonymous/pseudonymous, Board/Zonal Vigilance should treat it as a signed complaint. Clarifications, if required, could be obtained from the complainant (s) as part of the enquiry into the matter.
- (iii) There are instances where the complainant wants to keep his identity a secret for reasons of security. He may be a 'whistle blower' of his organization and may like to reveal certain crucial aspects that lead to unravelling of serious irregularities. Such persons can send their complaints to CVC, which is the 'designated agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office, and to recommend appropriate action. While accepting such complaints, it is the CVC's responsibility to keep the identity of the complainant secret. Such complaints are to be addressed to the Secretary, CVC in a closed/secured envelope, with the superscription, **“Complaint under the Public Interest Disclosure”**. The complainant has to give his name and address in the beginning or end of the complaint or in an attached letter. The CVC does not entertain anonymous/pseudonymous complaints. The text of the complaint should be carefully drafted so as not to give any details or clue about the complainant's identity. However, details of the complaint should be specific and verifiable. In order to protect the identity of the complainant, CVC will not issue any acknowledgement. Such complainants are advised not to enter into any further correspondence with CVC in their own interest. The CVC will ascertain from the complainant whether he made the complaint or not. Then, after concealing the complainant's identity, CVC will make discreet inquiries to ascertain if there is any basis of proceeding further with the complaint. If CVC concludes that the matter needs further investigation, it shall officially seek comments or explanation from the Head of the Department of the concerned organization. While doing so, CVC will not disclose the complainant's identity and will also request the concerned Head of the organization to keep his identity secret, if the concerned Head comes to know about it. After obtaining the response of the concerned organization, if CVC is of the opinion that investigations reveal either misuse of office or substantiate allegations of corruption, it shall recommend appropriate action to the concerned Government Department or organization. Such action can include appropriate proceedings against the concerned Government Servant, appropriate administrative steps for redressing the loss caused to the Government due to the corrupt act or misuse of office, initiation of criminal proceedings in suitable cases, or taking corrective measures to prevent recurrence of such events.

- (iv) In the case of signed complaints, the investigating officials should try to contact the complainant also during the course of investigation.
- (v) In cases where complaints/information are received or taken note by CVC, it can take any of the following course of action:
 - (a) It may entrust the matter to Railway Board for inquiry. In these cases, investigation will be urgently undertaken by Board/Zonal Vigilance, as per the decision of the CVO, Ministry of Railways. On conclusion of the investigations, Railway Board would send its report, along with other relevant records, to CVC, who will advise Board about the further course of action.
 - (b) CVC may ask the Central Bureau of Investigation (CBI) to make an inquiry into the matter. CBI will furnish its report, along with other relevant records, to CVC, who will advise Railway Board about the course of further action.
 - (c) CVC may ask CBI to register a case and investigate it. CBI will inform CVC of the results of investigation and, if it is of the view that a prosecution should be lodged, CBI will forward the final report of its investigation to CVC, if sanction for prosecution is to be issued in the name of the President. Simultaneously, CBI will forward a copy of its investigation report to Railway Board for comments. Such comments should be sent to CVC within one month from receipt of the report. After considering CBI's report, Railway Board's comments and all relevant records, CVC will advise whether or not prosecution should be sanctioned.

Since the aforesaid cases are of very urgent nature, Zonal Railways should furnish their comments within 15 days to Railway Board.

208.3 To sum up, in all authenticated complaint cases against officials who are within CVC's jurisdiction (i.e. Gr. 'A' officers, and Gr. 'B' officers officiating on adhoc basis in the scale Rs. 10,000-Rs. 15,200), CVC's advice has to be taken, for closure or action.

209. Stages at which CVC is consulted in Gazetted cases:

- (a) Cases in which the Administrative authority does not think that an investigation is necessary – such complaints, together with views of the Administrative authority, will be forwarded to CVC for advice. Any information passed on by CBI regarding the conduct of any officer should also be dealt with in the same manner. At the Zonal level, whenever a complaint is received against a Gazetted officer (other than an anonymous/pseudonymous complaint), Zonal Vigilance will decide within 15 days whether an investigation is necessary or not. In case it decides that no investigation is necessary, it has to send its detailed remarks,

along with all relevant papers, to Board Vigilance, which will refer the matter to CVC, if it agrees with the views of the Zonal Railway.

- (b) Cases in which an Administrative authority has come to the conclusion, after an investigation, that no further action is necessary – such cases will be reported to CVC for advice.
- (c) Cases in which officers commit procedural lapses in violation of instructions laid down in their Manuals of Office Procedure, etc., resulting in extra expenditure or loss to the Government – such cases will be referred to CVC. If there is negligence on the part of the officer, which has caused substantial loss to the Government, then the CVC will be consulted, irrespective of whether the case figures in an Audit Para or comes before the Public Accounts Committee of the Parliament or not. In such cases, Zonal Railway will send an investigation report promptly to Railway Board, along with the recommendation of General Manager, about action to be taken against the concerned official (s).
- (d) Cases in which the Administrative authority proposes to institute disciplinary proceedings after an investigation – in these cases, the investigation report, along with all relevant records, will be sent to CVC with a recommendation for a particular course of action. Where such cases have been investigated by Zonal Railway, recommendations of the General Manager will also be obtained while sending these cases to Railway Board for obtaining the advice of CVC. If the case has been investigated by Board Vigilance, then the comments of the concerned Member of Railway Board will be obtained for officers above Senior Administrative Grade (SAG). For officers upto the Selection Grade (SG), comments of PHOD & GM of the concerned Zonal Railway should also be obtained, before putting up the case to the concerned Board Member.
- (e) Cases in which investigation reports are received from CBI – such reports, against gazetted officers (both Group 'A' & 'B'), either involved singly or along with non gazetted staff, are referred by CBI to the Railway Board and to GM(Vigilance) of the concerned Zonal Railway (one copy each). A copy of the report is also sent by CBI to CVC. The Railway Board has to furnish its comments on the report to CVC within one month. In such cases, the Zonal Railway should furnish its comments to Railway Board within 15 days, along with relevant service particulars of all officers against whom CBI has proposed disciplinary action.

In the case of CBI's investigation report, the comments of Ministry of Railways should specifically deal with (i) views on technical matters spelt out in the report (ii) comments on correctness of departmental procedures and practices, as mentioned and relied upon in CBI's report (iii) comments on factual position obtainable from records of the Department, as reported by CBI (iv) views on impartial use of discretionary powers by the accused officer in the said case, and its comparison with the exercise of such discretion by other officers in similar

situations (v) views on the necessity of obtaining evidence of some witnesses, if any, which the CBI did not examine (vi) comments on any extenuating circumstances in favour of the accused (vii) comments on CBI's conclusion (viii) comments on the representation, if any, submitted by the accused in this regard.

- (f) Reconciling difference of opinion between the CBI and administrative authorities – in cases recommended by CBI to the concerned administrative authority for departmental action, if there is a difference of opinion between the two (i.e., CBI and the administrative authority), then the matter is referred to CVC for advice. Similarly, if the CBI considers that findings in a departmental inquiry should be reviewed but there is a difference of opinion between CBI and the concerned Ministry about it, then the matter will be referred to CVC for advice. Once the matter has been reviewed, the decision of the reviewing authority should normally be considered final and subsequent reviews should not be called for.
- (g) In case of anonymous or pseudonymous complaints, wherein the Ministry of Railways considers that investigation is required since facts are verifiable, prior concurrence of CVC is required for doing so. Also, CVC has to be apprised about the conclusion of such investigation.
- (h) In cases where the alleged offence was committed by a functionary who was beyond the jurisdiction of CVC (in so far as he was a Group 'C' staff or Group 'B' officer in the pay scale of Rs.7,500-12,000 and Rs.8,000-13,500), but was later promoted and fell within the jurisdiction of CVC (i.e. all Group 'A' officers and Group 'B' officers officiating on adhoc basis in the pay scale of Rs.10,000-15,200), reference will be made to CVC for its advice.
- (i) In cases involving a gazetted officer, arising out of a preventive check or otherwise, where the irregularity has a Vigilance angle or ulterior motive is detected on the part of the officer, the case will be referred by Zonal Railways to Railway Board Vigilance, who will then refer it to CVC.
- (j) In cases where a fresh complaint is received against a gazetted officer, that substantially covers the same ground as a previous complaint against the same person, which had been earlier dealt with in consultation with CVC, it would be sufficient if Board Vigilance is only apprised of that situation.
- (k) In cases in which CVC asks for a report, such reports should be submitted expeditiously to Railway Board Vigilance, which will send it to CVC.

- 209.1 Thus, all investigation reports involving gazetted officers in the jurisdiction of CVC should be referred to CVC for its advice, irrespective of whether the recommendation is for closure or action. However, a preventive check report can be closed by Board Vigilance (Additional Member/Vigilance) if no irregularity is noted.
- 209.2 Gazetted cases investigated by Zonal Railways reach the office of Railway Board Vigilance with recommendation of the General Manager about the proposed course of action, as also the comments of SDGM and the concerned PHOD. This is scrutinized by Board Vigilance. In cases of Group 'A' officers, where GM has recommended closure but Board Vigilance does not agree with GM's views and proposes action against the official, the case is put up to the concerned Board Member for his views and then sent to CVC. Where Board Vigilance agrees with GM's recommendation of closure, the case is not put up to the Board Member, but is sent directly to CVC. In cases of Group 'A' officers, where GM has recommended action, the case is put up to the concerned Board Member after scrutiny by Board Vigilance, and then sent to CVC. In cases of Group 'B' officers, where GM's views are acceptable or a more lenient view is taken, final disposal is done at the level of Additional Member (Vigilance). However, in cases against Group 'B' officers, where GM's views are not acceptable and a more serious view is taken by Board Vigilance, the case is put up to the concerned Board Member and sent to CVC. In cases of Group 'A' officers investigated by Board Vigilance, (a) for officers upto Selection Grade, comments of the PHOD & GM of the concerned Zonal Railway are obtained, and then the case is put up to the concerned Board Member, (b) for officers of Sr. Administrative Grade & above, views of the concerned Zonal Railway are not obtained and the case is put up directly to the concerned Board Member. After this, the case is sent to CVC for its **1st stage advice**. CVC has devised a format in which cases should be sent to it for its 1st stage advice. This has been circulated vide Board's letter Nos. 2003/V-1/CVC/1/12 dated 14.10.2003 and 30.1.2004.
- 209.3 The recommendation to CVC may be for (a) action, i.e., administrative action (counseling/cautioning/unrecorded or recorded warning), initiation of minor penalty proceedings or major penalty proceedings, or (b) closure.
- 209.4 In its 1st stage advice, if CVC agrees with the recommendations of the Railway Board, then the follow-up action is initiated immediately. In case CVC differs with the Board, then the case is put up to the concerned Board Member, who may agree or disagree with CVC. If he agrees with CVC, then CVC's advice is implemented. In case he differs with CVC, then the case is sent back to CVC for reconsideration, along with reasons for doing so. In case the CVC reconsiders its advice and agrees with the Member's view, then action is taken to implement Member's orders. However, if CVC disagrees with the Member, then the case is again put up to the Member. If he agrees with the CVC's view, then action is taken to implement CVC's advice. However, in case he disagrees with CVC's advice, then the Member's proposed action is implemented and CVC is advised about it. This is taken as a case of difference between CVC and the Ministry. It is the prerogative of CVC to include such cases in its

Annual Report, which is placed on the floor of both Houses of Parliament, and can be discussed by Hon'ble MPs.

209.5 In cases in which major penalty action is initiated on CVC's advice, immediate action is taken to issue the chargesheet, after which progress at various stages of disciplinary proceedings is closely monitored. On completion of the inquiry, the Railway Inquiry Officer (RIO) concludes whether or not the charges are proven.

209.6 These findings are put up to the DA, along with Vigilance comments thereupon. The DA takes an independent, provisional view(of closure/administrative action/minor or major penalty) after considering the IO's report, all relevant records and evidence, as also the Vigilance comments. The entire case file is sent to Railway Board by Zonal Railway containing the IO's report, Vigilance comments and DA's provisional view. In case the DA disagrees with some findings of the IO, then he prepares a draft disagreement memo on aspects of such differences with the IO, mentioning reasons for it. In such cases, the disagreement memo is also a part of the documents that arrive in the Board's office from Zonal Railway. These are scrutinized and commented upon by Board Vigilance. In case the concerned Member, Railway Board, is the DA of the official, then the Member's views are also obtained on file. If the Member is not the DA, then his views are not taken. After this, the case is sent to CVC for its **2nd stage advice**. CVC examines the entire case and gives its 2^d stage advice in the form of action to be taken against the charged official. The following alternatives are possible:

- (a) **CVC disagrees with DA's provisional views:** The case is put up to DA. If the DA agrees with CVC, then action is taken to implement CVC's advice. If the DA disagrees with CVC, then the case is sent back to CVC for reconsideration. After CVC sends its reconsidered advice, it is again put up to DA. The decision that DA takes at this stage is final.
- (b) **CVC agrees with DA's provisional view:** In this scenario, the case is sent to Zonal Railway/ Board (as the case may be) for implementation of CVC's 2nd stage advice. In this case, the IO's report, along with disagreement memo, if any, is conveyed to the charged official who is given an opportunity to represent against the IO's report and disagreement memo, if any. The disagreement memo should be based essentially on the DA's views and CVC's 2nd stage advice. It spells out grounds for not agreeing with the IO's findings. The charged official responds to the IO's report and disagreement memo, if any. Then, the case is put up to DA for his final orders. In case the DA agrees with CVC's 2nd stage advice, then he can issue the order of penalty to the charged official. However, in case he disagrees with CVC's advice, then he has to record a provisional order on file and the case is sent back to CVC. If CVC agrees with DA's view, then the DA can issue the order. However, if CVC disagrees with DA, then the case is again put up to DA who finally decides whether or not to agree with CVC's advice. In either condition, of agreeing or not with CVC, the DA's view is final and he issues the order as he deems fit. If he has finally chosen to disagree with CVC, he should

record reasons for disagreement and then this gets reflected as a case of difference between CVC and the Ministry of Railways. CVC can include this case in its Annual Report that is tabled on the floor of both the Houses of Parliament and can be discussed by Hon'ble MPs.

209.7 There is a stipulation on the number of copies of the inquiry report to be sent to various agencies at different stages. This is as below:-

The RIO has to send 5 copies of the inquiry report to the authority who ordered the inquiry. That authority sends 4 copies to the SDGM/CVO of the Railway/Production Unit for obtaining CVC's 2nd stage advice. SDGM/CVO forwards three copies of the report to Board Vigilance with his comments. After examination of the report, Board Vigilance forwards two copies of the report to CVC, along with its comments. After scrutiny of the report, CVC sends one copy to the Board, along with its 2nd stage advice.

209.8 There is also a stipulation about the documents that have to be sent to CVC for its 2nd stage advice. These are as below:-

- (i) Copy of the charge-sheet with all the annexures.
- (ii) CO's statement of defence.
- (iii) The IO's report and connected documents (including PO's brief and CO's brief) and
- (iv) Self-contained note on findings of the IO on each of the Articles of charges, along with the tentative views of DA and the CVO.

209.9 In cases of appeal, the Appellate Authority is expected to keep in view CVC's advice and decide on the appeal. If he decides to deviate from CVC's advice, the CVO will report this to CVC, which will take an appropriate view whether the deviation is serious enough to be included in its Annual Report. When the President is the Appellate authority, the case is decided by him in consultation with UPSC, and CVC is informed of the final decision.

210. Commissioners of Departmental inquiries (CDI):

In cases of major penalty against gazetted officers, the CVC mentions in its advice whether the DAR inquiry will be conducted by an Inquiry Officer to be nominated and appointed by the Ministry of Railways (RIOs – i.e. Railway Inquiry Officer), or by CDIs, who function under CVC. In case there is no specific mention of this fact, it is presumed that the Ministry of Railways would nominate an RIO, from amongst a panel that it maintains. In case the inquiry is conducted by a CDI, its report is submitted to

Railway Board, which calls for comments of the Zonal Railway Vigilance and DA's provisional views.

211. Mode of communication between Ministries/Departments & CVC:

The mode of communication between Ministries/Department & CVC should be by way of referring (sending & receiving) files. However, if in any case the CVC or the Ministry/Department does not wish to move the concerned file, a self contained note or letter may be sent. In the context of the Ministry of Railways, Zonal Railways cannot make a direct reference to CVC – all cases have to be routed through Railway Board Vigilance to the CVC.

212. Procedure to be followed in prosecution cases:

- 212.1 Prior sanction for prosecution of a public servant before a Court of Law for acts of criminal misconduct is required to be accorded by the competent authority either under Section 19 of Prevention of Corruption Act or Section 197 (1) of the Criminal Procedure Code. For this purpose, CBI requests the Ministry of Railways to accord sanction of prosecution of a Railway servant charged for such offences, with complete particulars to enable the competent authority to comprehend the gravity of the misconduct and to take a suitable decision by independent application of mind. The competent authority to grant sanction for prosecution is the one who is competent to remove the Railway Servant from service at the time of launching of the proceedings.
- 212.2 It is mandatory to obtain CVC's advice in such cases involving a gazetted officer who is a Presidential appointee, namely, a Group 'A' officer. CVC's advice is also required in composite cases, involving Group 'A' officers and Group 'B' officers/non-gazetted officials. However, if the case pertains to Group 'B' officers and/or non-gazetted officials, CVC's advice would not be necessary unless the Ministry of Railways proposes to differ from CBI's recommendation to grant sanction.
- 212.3 In case of Group 'A' officers, the Ministry of Railways has to submit its comments on sanctioning prosecution within one month to CVC. In view of this, Zonal Railways have to furnish their comments to Railway Board within 15 days of the receipt of request from CBI. Sanction of prosecution or otherwise has to be given within two months of the receipt of CBI's report.
- 212.4 In cases of Group 'B' officers and non-gazetted officials, sanction for prosecution should be issued within one month from the receipt of CBI's report. No consultation with CVC is required if the competent authority agrees with CBI for granting sanction for prosecution. However, if the competent authority does not propose to accord sanction, then it is necessary to consult CVC – in these cases, comments have to be furnished by Railway Board to CVC within one month, for which Zonal Railways have to send their comments to Railway Board within 15 days.

- 212.5 When the CBI is of the view that prosecution should be launched, and if such sanction is required under the law to be issued in the name of the President, CBI forwards copies of its investigation report to CVC and the Railway Board. The Board should send its comments to CVC within one month of receipt of the report. The CVC examines the case in totality, after considering comments of the Board. Then, it advises Board on whether or not prosecution needs to be sanctioned. Board considers CVC's advice and takes a decision about sanctioning prosecution or otherwise. In case Board decides to sanction prosecution, then it issues a Speaking Order in this regard, the lay out of which has been standardized and communicated to all Vigilance Wings of the Ministry of Railways vide letter No.97/V-1/VP/1/2 Pt.A dated 17.12.2003. This is detailed in Annexure II/1 to this chapter. In case Board proposes not to accept CVC's advice for sanction of prosecution, then the case is referred back to CVC for reconsideration with the approval of the concerned Board Member. The CVC may call for a tripartite meeting to help resolve the disagreement. After this, CVC gives its reconsidered advice. However, if Board still disagrees with CVC's advice, then the case is referred to the Department of Personnel & Training (DOPT). The case is put up to the Minister in charge of Personnel for the final decision.
- 212.6 Sanction for prosecution is not required for a retired public servant, with respect to offences committed by him while he was in service.
- 212.7 In cases where there are several co-accused, and sanction for prosecution for a few of them is required to be issued in the name of the President and, for others, by other authorities, the CBI sends its final report in such cases in respect of all the accused officers to CVC, and simultaneously endorses copies of the report to the concerned Ministries/Departments. In the case of Presidential sanction for prosecution, the procedure as described earlier will be followed. As regards other officers, CVC advises the concerned competent authorities to accord sanction for their prosecution. In such cases, the CBI will not file charge sheets in a piecemeal manner. All charge sheets will be filed together by CBI in the Court(s) with competent jurisdiction against the officers involved, after sanction for prosecution has been received for all the concerned officials.
- 212.8 In cases where the General Managers or their subordinates are the sanctioning authority, the case along with all relevant papers, comments on CBI's report (if not agreed to, then with reasons thereof) should be forwarded to Railway Board within 15 days of receiving the report.
- 212.9 The sanction of prosecution of Group 'A' officers is within the competence of MR, while that of Group 'B' officers is within the competence of the concerned Board Member.

213. Statements/returns to be submitted to CVC:

- 213.1 CVC is empowered to call for reports, returns and statements from all Ministries/Departments in order to exercise general check & supervision over Vigilance

and anti-corruption work in various Ministries/Departments. In pursuance of this, CVC calls for monthly reports, quarterly reports and annual reports in a prescribed format from all the Ministries/Departments within its jurisdiction. This format has been advised to all the Vigilance wings in the Ministry of Railways vide letter No.2004/V-1/RET/8/1 dated 16.8.2004. As regards monthly reports, data should be compiled for the period from 26th of the previous month upto 25th of the month for which the report is being prepared, and the report should be sent so as to reach Board's office by the last day of the month.

213.2 Statements are sent to CVC regarding cases in which the implementation of its advice is pending. In this regard, the following may be noted:

1. Cases pending implementation of CVC's first stage advice would mean,
 - (a) In major penalty cases - till the appointment order of the IO and PO is received.
 - (b) In minor penalty cases - till the order of imposition of penalty is received.
2. Cases pending implementation of CVC's second stage advice would mean -till the order of imposition of penalty is received.

List of References

1. CVC's Annual Report
2. Board's Letter No. 95/V-1/VP/1/3 dt. 11.1.96
3. Board's Letter No. 98/V-1/CVC/1/5 dt. 5.8.98
4. Board's Letter No. 98/V-1/CVC/1/5 dt. 15.3.99
5. Board's Letter No. 2001/V-1/CVC/1/5 dt. 9.4.2002
6. Board's Letter No. 2003/V-1/CVC/1/13 dt. 7.10.03
7. Board's Letter No. 2003/V-1/CVC/1/12 dt. 14.10.03.
8. Board's Letter No. 2001/V-1/CVC/1/5 dt. 17.12.03.
9. Board's Letter No. 2003/V-1/CVC/1/12 dt. 30.1.04
10. Board's Letter No. 2004/V-1/CVC/1/9 dt. 1.4.04
11. Board's Letter No. 2004/V-1/CVC/1/9 dt. 23.4.04
12. Board's Letter No. 2004/V-1/CVC/1/13 dt. 11.5.04
13. Board's Letter No. 2004/V-1/CVC/1/11 dt. 13.5.2004
14. Board's Letter No. 2004/V-1/CVC/1/11 dt. 25.5.2004
15. Board's Letter No. 97/V-1/Meet/6/2 dt. 15.4.98
16. Board's Letter No. 98/V-1/DAR/1/2 dt. 24.9.98
17. Board's Letter No. 97/V-1/Meet/6/2 dt. 24.2.99
18. Board's Letter No. 2002/V-1/CVC/1/3 dt. 4.3.02
19. Board's Letter No. 97/V-1/VP/1/2 Pt. A dt. 17.12.2003
20. Board's Letter No. 2004/V-1/CVC/1/2 dt. 23.2.04
21. Board's Letter No. 2002/V-1/CVC/1/7 dt. 13.11.02
22. Board's Letter No. 2003/V-1/Comp./1/3 dt. 17.11.03
23. Board's Letter No. 2004/V-1/CVC/1/14 dt. 13.5.04
24. Board's Letter No. 2004/V-1/CVC/1/14 dt. 19.5.04
25. Board's Letter No. 2003/V-1/Ret/8/1 dt. 30.04.03
26. Board's Letter No. 2003/V-1/Ret/8/1 dt. 21.11.03
27. Board's Letter No. 2003/V-1/Ret/8/1 dt. 26.12.03
28. Board's Letter No. 2004/V-1/RET/8/1 dt. 16.8.04
29. Board's Letter No. 2004/V-1/CVC/1/3 dt. 1.3.04.
30. CVC's letter No. 1/6/77-R dt. 3.10.77
31. Board's letter No. 74/V-1/VP/1/2 dt. 27.6.78
32. CVC's letter No. 1/18/70-R dt. 30.4.73
33. CVC's letter No. 4-5/74 -R dt. 13.12.74
34. CVC's letter No. 1/9/71-R dt. 29.3.73
35. Board's letter No. 76/V-1/CVC/1/5 dt. 5.11.76
36. Board's letter No. 76/V-1/CVC/2/2 dt. 20.7.76
37. Board's letter No. 72/V-1/CVC/2/2 dt. 7.11.78
38. Board's letter No. 76/V-1/CVC/2/3 dt. 26.10.76
39. CVC's letter No. 000/DSP/1 dt. 10.2.03

Sub: Standard layout of speaking order for grant of “sanction for prosecution” and “sanction order”.

A copy of the standard layout of the speaking order for grant of sanction for prosecution and the sanction order is as below:

(a) Standard lay-out of Speaking Order for Grant of sanction for Prosecution

“I have gone through the investigation report of the CBI/(Name of the CBI Zone) in case No.RC _____ against Shri/Smt. _____ (name and designation) as well as other relevant records/aspects of the case. After careful consideration of the matter in the light of full facts and records of the case, I am of the considered view that this is a fit case for launching prosecution proceedings against Shri/Smt. _____(name and designation) in the competent Court of Law. Sanction is hereby accorded for prosecution of Shri/Smt. _____(name and designation).”

(Designation of Sanctioning Authority)

(b)

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD**

No. RC.....

SANCTION ORDER

(Facts of the case)

And whereas, the said act constitutes the commission of offences punishable under section 7 and 13(2)r/w 13(1)(d) of Prevention of Corruption Act, 1988 (Act 49 of 1988).

And whereas the President of India being the Competent Authority for removing the said (Name and Designation) from service, after fully and carefully examining the materials i.e. records relevant to the said allegations placed before him, and considering the facts and circumstances of this case, considers that the said (Name) should be prosecuted in the Court of Law for the said offence/offences.

Now, therefore, the President of India does hereby accord sanction u/s 19(1) of Prevention of Corruption Act, 1988 for the prosecution of the said (Name and Designation) for the said offences and any other offences punishable under other provisions of law in respect of the aforesaid facts and for taking cognizance for the said offences by the court of competent jurisdiction.

BY ORDER AND IN THE NAME OF THE PRESIDENT OF INDIA

Place: New Delhi

Date:

(Name)
Joint Secretary(Establishment)
Railway Board.

214. Intensive Examination by Chief Technical Examiner (CTE)/CVC:

- 214.1 The Chief Technical Examiner's Organisation was created in 1957 in the then Ministry of Works, Housing and Supply for examining works being executed by the Central Public Works Department. With the creation of Central Vigilance Commission (CVC), the administrative control of this Organisation was transferred to it on 01.11.1964. The jurisdiction of this Organisation is co-terminus with that of CVC. As such, works of (1) all the Departments of Government of India and Union Territories and (2) Central Public Sector Undertakings can be examined by this organisation.
- 214.2 The CTE's organization has unfettered powers to examine works of any magnitude, irrespective of whether these are original or repair works. However, since its resources are limited, it generally examines works of a large size only. It is in view of this that all the Chief Vigilance Officers of the Departments of Govt. of India, Union Territories, Central Public Sector Undertakings, other autonomous and similar bodies are required to furnish Quarterly Returns to CVC (as per Commission's letter No. 98 VGL 25 dated 11-11-2005), in respect of civil works costing Rs. 1 crore and more, Electrical works (including S&T and Mechanical works) costing Rs. 30 lakh and more and Horticulture works costing Rs. 2 lakh and more, Store purchase of Rs. 2 crore and more, purchase of Medical Equipment of Rs. 1 crore and more, two largest Consultancy and Service Contracts, and four largest contracts of Supply of Medicines for the quarters ending March, June, September and December by the 15th day of the month following the quarter (as per proforma placed at Annexure II/2). The SDGMs/Chief Vigilance Officers should, therefore, ensure that such returns are furnished to the CTEs by the stipulated dates. There may be occasions when the SDGMs/Chief Vigilance Officers come to know from their own sources about certain serious irregularities committed by public servants in various works. In view of this, they have been given the freedom to recommend examination of particular works (mainly from the vigilance angle) in their reports to CTE.
- 214.3 After going through returns furnished by CVOs, the Chief Technical Examiners select certain works for intensive examination and inform the concerned CVOs about it. They ask the CVOs for relevant records, such as certified true copies of (a) contract documents, (b) the latest running account bills paid to contractors, etc. This information may be furnished, as per the proforma placed at Annexures II/3 & II/4. When the programme of actual intensive examination of works is finalized by the CTE, the concerned CVO is informed about it. The CVO is expected to make available all relevant documents and records, as may be necessary, to the CTE's team examining the works.
- 214.4 SDGMs/CVOs are also required to carry out technical examination of (a) works and (b) supply/purchase, service, and consultancy contracts on the pattern of CTE/CVC and furnish progress thereof to Railway Board, as per the proforma given in Annexure II/5.

215. Action to be taken on CTE's Reports:

- 215.1 After carrying out intensive examination of works, the CTE's organization sends an inspection report to the concerned SDGM/ Chief Vigilance Officer. The SDGM/CVO should obtain comments of various officers (of appropriate level) posted at the site of work or in the office, on this inspection report, in the proforma placed at Annexure II/6, as per the time schedule prescribed in Annexure II/8. These comments should include:
- a) A statement regarding correctness of facts stated in the report. If some of the facts are not correct, this should be clearly brought out. The correct facts in this regard should also be indicated, if these are at variance with facts mentioned in the report.
 - b) A detailed justification for acts of commission or omission brought out in the report.
 - c) Comments on explanations received from the concerned technical officers.
- 215.2 Replies to the observations and rejoinders of the CTE's Organisation should be sent promptly to CTE/CVC as per proforma placed at Annexure II/7. This should be sent within three months of the date of dispatch of the report/rejoinder.
- 215.3 SDGMs/Chief Vigilance Officers should arrange to undertake similar and complete examination in cases where the examination done by the Chief Technical Examiner's Organisation was only a representative one. They should thereafter act upon the findings of such examination and, where necessary, consult the CTE.
- 215.4 The defects pointed out in CTE's report should be rectified either by the contractor or otherwise (at the risk and cost of contractor, wherever possible).
- 215.5 Minor irregularities brought out in the report should be got regularized by the competent authority after investigating into the bonafides in each case and finding out reasons for these irregularities. Appropriate preventive measures may be taken for future and the defaulters suitably warned so that such irregularities do not recur.
- 215.6 SDGMs/Chief Vigilance Officers should arrange to have recoveries effected in cases where over payments are pointed out in CTE's report. Recovery statements should be submitted, duly supported by analysis of rates at which recoveries have been effected. Such recoveries should not be postponed till payment of the final bill. In case there is any difficulty in recovering the full amount of over payment, as pointed out by CTE's organisation, then the agreed amount of recovery should at least be effected from the next bill paid.
- 215.7 In cases where the work is treated as substandard in CTE's report, sanction of the competent technical authority for accepting such substandard work may be obtained

and the rate of payment suitably reduced. Before sanctioning such reduced rate statements, the structural soundness and functional adequacy of the sub-standard work should be established.

- 215.8 In respect of paras which are specifically referred to the SDGMs/CVOs by the CTE for investigation from a vigilance angle, they should treat such communication as a complaint. In order to investigate it, in case a competent engineer is not available in his organisation, the SDGM/CVO should get an independent and reliable engineer appointed to assist him in identifying and seizing the relevant records, preparing scrutiny notes thereon, fixing responsibilities, drafting memos, calling for explanations of the indicated officials and preparing scrutiny notes on the explanations received. Each lapse should be dealt with separately. After investigation, the case should be referred to CVC through Railway Board for its first stage advice, along with a self contained note and other relevant documents, as done in cases of other Vigilance Investigation Reports. Even if the SDGM/CVO comes to the conclusion that no vigilance angle is involved, the matter has to be referred to the CVC for its first stage advice, treating the complaint as having emanated from CVC.
- 215.9. The CTE might suggest preventive measures in certain areas as a safeguard against malpractices or corrupt practices, as also to plug loopholes in procedures, rules, regulations, etc. In such cases, the SDGM/CVO should arrange to have suitable directions issued by the Chief Executive/Head of the Department and furnish copies of these directions to the CTE's Organisation. (*Ref.- CVC's No. 7 R CRD 37 dated 19-8-1987 and Intensive Examination of Works – Guidelines -2001*)

**STATEMENT SHOWING THE QUARTERLY PROGRESS OF WORKS
FOR QUARTERS ENDING MARCH/JUNE/SEPTEMBER/DECEMBER**

Civil works costing Rs. 1 crore and above.

Electrical works (including S&T and Mechanical works) costing Rs. 30 lakhs and above.

Horticulture works costing Rs. 2 lakhs and above.

Stores Purchase costing Rs. 2 crore and above

Medical Equipments Rs. 1 crore

2 largest contract of Consultancy

2 largest contracts of Service Contracts

4 largest contracts of supply of Medicines

S.No.	Name of work and location	Est. Cost	Tendered Cost	% above/ below SOR	Agmt. No.	Agency	Date of start	Time of Comp.	Physical progress	Name of E in C with address	Re- marks
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TECHNICAL EXAMINATION OF WORKS CONTRACTS

1.0 Particulars of work

1.1 Name of work :

Agreement No.
Name of Contractor
Estimated cost
Tendered cost
Date of start
Due date of completion
Present progress

1.2 Departmental Authorities

Zone / GM Office
Circle/ Dy. GM Office
Division/ Sr. Mgr., Mgr. Office
Sub Division / Field Unit

1.3 Officials Incharge of work

Chief Engineer/ GM / ED
Superintending Engineer / Dy. GM
Executive Engineer / Mgr / Sr. Mgr.
Asstt. Engineer / Dy. Mgr. / Asstt. Mgr.
Jr. Engineer / Supervisor
Divisional Accountant / Finance Officer
Asstt. Surveyor of Work in Division / Planning Officer in Field Unit
Surveyor of Works in Circle / Planning
Officer in GM / ED Office
Surveyor of Works in SSW's
Office / Planning Officers in Corporate Office

Name

Signature

A. Technical Information

1. Name of work
2. Agreement No. (Please supply copy of agreement)
3. Name of contractor
4. Estimated cost
5. Tendered cost
6. (a) Date of commencement
(b) Stipulated date of completion
(c) % progress
7. Ref. memo and date of sanction of project (Please supply copy of memo.)
8. Ref. and date of technical sanction (Please supply copy of sanction)
9. Date of approval of NIT (Please supply copy of letter of approval)
10. Date of publication of NIT in press
11. Date of receipt of tenders :
12. No. of tenders sold
13. No. of tenders received
14. Whether work awarded to lowest tenderer
15. Whether market rate justification available on record
16. Works Manual adopted
17. S.No. and date of last running bill paid (Please supply copy of bill with encl)
18. Whether AHR / ALR items identified
19. **No. of Statements** **Extra item** **Substituted item** **Deduction item**
(a) Sanctioned :
(b) Proposed :
20. **Test check carried out up to last RA bill** **Prescribed** **Actual**
% test check by AE / Dy. Mgr., Asstt. Mgr. :
% test check by EE / Mgr., Sr. Mgr. :
% test check by SE / Dy. GM :

Name
Signatures

B. Documents for Inspection at Site Office

- 1 (a) Press cuttings, including extended dates, if any
 - (i) For pre-qualification of Architects/Consultants
 - (ii) For pre-qualification of Contractors
 - (iii) Call of tenders
- (b) Register of sale of tenders
- (c) Register of opening of tenders
2. File giving reference to Financial Sanction and approval of competent administrative authority - Preliminary estimate
3. Copy of detailed estimate and its Technical Sanction by competent technical authority
4. Approval of NIT (Notice inviting tenders) in original
5. Rejected tenders and comparative statements for:
 - (a) Selection of architects/consultants
 - (b) Short listing or prequalification of tenders
 - (c) Other tenders
6. Justification statement and corresponding notings in support of tenders/offer accepted.
7. Details of negotiations, if any, made before acceptance of tenders
8. Original contract with consultant/contractor
9. Guarantee Bond etc. towards security for work, machinery/mobilization advance etc. including extension of validity
10. Insurance policies for work, materials, equipment, men etc. including extension of validity
11. Guarantee for water tightness, termite proofing etc.
12. Standard specifications
13. Standard schedule of rates
14. Drawings- Architectural, Structural and Services
15. All connected measurement book, level books, field books and lead charts.
16. All running account bills with all connected statements/vouchers

Annexure-II/3 (contd.)

17. Statements showing details of check of measurement by superior officers and copies of order laying down such requirements
18. Materials at site accounts/cement, steel bitumen, paints, water proofing compound, pig lead, anti termite chemical etc.
19. Site order book/test records/log books
20. Details of extra/substituted items and of deviated quantities being executed/ considered for execution in the work along with analysis of rates
21. Hindrance register
22. Office, correspondence files and inspection notes, if any, issued by inspecting officer
23. Complaint records, if any
24. Any other documents relevant to the works
25. Details of payments in proforma 'A'
26. Cement consumption statement in proforma 'B'
27. Steel consumption statement in proforma 'C'
28. Statement of Tests of Materials in proforma 'D'

C . Details of Payments

PROFORMA 'A'

S.No. of bill	CR No. date	Account Payable				Total Cheque amount	Details of disbursement and recoveries			
		On A/c Payment	Adv. payment	Secured advance	Mobilization advance		Adv. I/Tax	Cost of Material	Secured Adv	Mob. Adv.

Name

Signature

PROFORMA 'D'

STATEMENT OF TESTS OF MATERIALS

S. No.	Desc. of Materials	Qty consumed till date	Desc. of tests as per BIS / Agreement provisions	Freq. of test as per BIS / Agreement provisions	No. of tests	Lab where tests conducted	Whether lab approved by govt.	Status of tests results (pass/fail)	If failed, what action taken	Whether testing charges for borne by deptt/ agency (Ref. To agree provisions)	Recovery proposed short-fall in tests/ failed result	
1	2	3	4	5	6	7	8	9	10	11	12	13
					Requ- ired	Con- ducted						

Sd/-
Engineer-in-charge

Sd/-
Chief Vigilance Officer

**PROFORMA FOR TECHNICAL EXAMINATION OF STORES/
PURCHASE CONTRACT**

A. Departmental Authorities

1. Ministry
2. Department/Organisation
3. Directorate/Section handling the Purchase
4. Officials dealing with the Purchase

B. Contract/Tender Information

Contract details

1. Contract No.
2. Description of Store/Purchase
3. Name of Supplier/Agency
4. Estimate Cost
5. Value of Contract
6. Delivery period stipulated in contract
7. Inspection Authority
8. Present position of supply
9. Present position of payments

C. Tender Details

1. Mode of Tender Enquiry
2. Date of issue of N.I.T./Tender Enquiry
3. Date of Publication of N.I.T.
4. Whether the Tender Documents were approved
5. Date of receipt of Tenders
6. Nos. of Tenders sold
7. Nos. of Tenders received
8. Whether contract awarded to lowest tenderer
9. Whether negotiations conducted

D. Documents for Inspection at site office

1. File giving reference to Financial Sanction and approval of competent administrative authority for provisioning of stores
2. Details of calculating the estimated value
3. Press cutting of NIT including extended dates, if any
 - a. For pre-qualification of Bidder
 - b. Call of Regular tenders
4. Register of sale of Tenders
5. Register of receipt of Tenders
6. Approval of Tender Document
7. Rejected tenders and comparative statement for
 - a. Short listing of pre-qualification of Bidders
 - b. Regular Tenders
8. Original file with complete noting and correspondence portion from initiation of procurement till placement of contract and completion of supplies
9. Original contact with supplier
10. Guarantee Bond etc. towards security deposit/performance security
11. Insurance policy if applicable
12. Letter of Credit in original
13. Inspection notes issued by the Inspecting officer and their file
14. Bills paid in “original” with complete enclosures
15. Stock/Issue Register of stores
16. Complaint records, if any
17. Details of payment in proforma ‘A’ (Refer Appendix III)

PROFORMA FOR INTENSIVE EXAMINATION REPORT

Name of the Organisation :

Name of the work :

Location :

Tendered Amount :

Period of Inspection :

By

Shri

Technical Examiner

1. Particulars of Work

1.1 Name of work

Agreement No.:

Name of the Contractor:

Estimated cost :

Tendered cost :

Date of start of work :

Stipulated date of Completion of work as per agreement :

Present Progress :

1.2 Departmental authorities

Zone /GM Office :

Circle / Dy. GM Office :

Division / Sr. Mgr., Mgr. Office :

Sub-Division / Field Unit :

1.3 Officials in charge of work

Chief Engineer / GM / ED :

Superintending Engineer / Dy. GM :

Executive Engineer / Mgr. / Sr. Mgr. :

Assistant Engineer / Dy. Mgr. / Asstt. Mgr. :

Junior Engineer / Supervisor :

Divisional Accountant / Finance Officer :

Asstt. Surveyor of works in Division / Planning officer in field unit :

Surveyor of works in Circle / Planning :

SSW / SW in Zone / Officer in GM / ED office :

2. Scope of Work

3. Administrative Approval & Expenditure Sanction

3.1 Facts in brief

3.2 Observations

3.2.1

3.2.2

4. Consultancy

4.1 Appointment

4.1.1 Facts in brief

4.1.2 Observations

4.1.2.1

4.1.2.2

4.2 Contract Document

4.2.1 Facts in brief

4.2.2 Observations

4.2.2.1

4.2.2.2

4.3 Payments

4.3.1 Facts in brief

4.3.2 Observations

4.3.2.1

4.3.2.2

5. Detailed Estimate & Technical Sanction

5.1 Facts in brief

5.2 Observations

5.2.1

5.2.2

6. Design & Drawing

6.1 Architectural

6.1.1 Facts in brief

6.1.2 Observations

6.1.2.1

6.1.2.2

6.2 Structural

6.2.1 Facts in brief

6.2.2 Observations

6.2.2.1

6.2.2.2

6.3 Services

6.3.1 Facts in brief

6.3.2 Observations

6.3.2.1

6.3.2.2

7. Tender Documents

7.1 Facts in brief

7.2 Observations

7.2.1

7.2.2

8. Pre qualification

8.1 Facts in brief

8.2 Observations

8.2.1

8.2.2

9. Inviting and Opening of Tenders

9.1 Facts in brief

9.2 Observations

9.2.

9.2.2

10. Tender Scrutiny & Award of Work

10.1 Facts in brief

10.2 Observations

10.2.1

10.2.2

11. Contract Document

11.1 Facts in brief

11.2 Observations

11.2.1

11.2.2

12. Payment to Contractors

12.1 Facts in brief

12.2 Observations

12.2.1

12.2.2

13. Records

13.1 General Records

13.1.1 Facts

13.1.2 Observations

13.3.2.1

13.1.2.2

13.2 Site Records

13.2.1 Facts in briefs

13.2.2 Observations

13.2.2.1

13.2.2.2

14 Site Inspection

14.1 Facts in brief

14.2 Observations

14.2.1

14.2.2

15 Sample Collection

15.1 Facts in brief

15.2 Observations

15.2.1

15.2.2

16. Arbitration Cases

16.1 Facts in brief

16.2 Observations

16.2.1

16.2.2

17. Miscellaneous

17.1 Facts in brief

17.2 Observations

17.2.1

17.2.2

Sd/-
Technical Examiner
Annexure-II/6

First Reply to Paras

S.No.	Para No.	Reply of Technical Authority	Cost adjustment	CVO's comments
		CTE Observations Reply		proposal

Sd/-
**Name and Designation of
Technical Authority**

Sd/-
CVO

Reply to Rejoinders

S.No.	Para No.	Reply of Technical Authority		Cost adjustment proposal	CVO's comments
		Rejoinder	Reply		

Sd/-
**Name and Designation of
Technical Authority**

Sd/-
CVO

Time Schedule

1. **Submission of documents by CVO** – 30 days from the date of issue of letter of CTEO.
2. **Issue of I.E. Report by CTEO** – 30 days from the date of inspection.
3. **First reply by CVO to I/E Paras** – 90 days (max) from date of issue of I/E report.
4. **Rejoinder to CVO's reply** – 30 days from the date of reply.
5. **Reply to CTEO's rejoinder by CVO** – 45 days from the date of issue of rejoinder.
6. **Vigilance reference by CTEO**
 - i) At the time of issue of I/E report for serious paras.
 - ii) At the time of issue of first rejoinder for other paras, if found serious.
 - iii) 6 months from the date of issue of IE report in case no reply received from CVO for all paras.
7. **Submission of I.R. by CVO** – 3 months from the date of issue of the reference by CTE.