

Eastern Railway

No. E 308/0/Vol. XX

Kolkata dated 7th Jan, 2021

Sr.DPOs - HWH, SDAH, ASN & MLDT
WPOs - LLH, KPA & JMP,
Eastern Railway,
Kolkata.


All Officers of Personnel Deptt. at Hqrs.

Sub: Procedures to be followed in DAR cases arising
out of Vigilance advice.

The copy of General Manager/Vig.'s letter No. G.157 dated 24.11.2020 on the above subject is attached herewith for information, guidance and strict compliance. Above provisions of IRVM 2018 may be brought to the notice of all officers of this department at Divisions and Workshops to avoid lacuna in dealing DAR cases arising out of the advice of Vigilance Deptt.

This circular is available on URL No. <http://www.er.indianrailways.gov.in> under About us → Department → Personnel → CODEs MANUALs & CPO's Serial Circulars → Other Important Letters.

DA: As above.


(Anjan Ray)
Chief Personnel Officer/G
for Principal Chief Personnel Officer

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CONFIDENTIAL

OFFICE OF THE
GENERAL MANAGER (VIGILANCE)
EASTERN RAILWAY
17-Netaji Subhas Road, Kolkata – 700 001

No. G.157/DAR

Dated, the 04th December, 2020

PCPO, PCE, CAO/CON, PCMM, PCEE, PCSTE,
PFA, PCCM, PCOM, PCSC, PCMD, PCME
DRM/HWH/SDAH/ASN/MLDT
CWM/LLHW/KPAW/JMP

Sub:- Procedures to be followed in DAR Cases arising out of Vigilance Advice.

In the D&AR Cases, arising out of vigilance investigation, it has often been found that the Das/AAs have not been following the extant provisions of IRVM, particularly in cases where they exercise the option to deviate from vigilance recommendation.

Accordingly, the relevant Para(s) of IRVM 2018 are reproduced below for information and adherence of the same -

- Para 526.1 In minor penalty cases, if DA proposes to exonerate or impose any if administrative action instead of a minor penalty, consultation with vigilance would be necessary. In such cases, DA has to first record his provisional views and consult Vigilance organization once giving reasons for disagreement with Vigilance advice. Vigilance Organisation should examine and furnish their comments to DA on such references. Normally vigilance organization is expected to furnish their comments to DA within two weeks of receipt of such references. Even if after this consultation, DA is not in agreement with views of Vigilance, then DA is free to proceed and pass speaking order for exoneration/ imposition of penalty. The copy of the NIP/exoneration advice is required to be promptly sent by DA to Vigilance along with its speaking order and reasons of disagreement within a week of passing such orders. Vigilance Organisation may seek a revision by referring the case to RA, if considered necessary. However, such a revision would not come in the way of vigilance clearance of staff.
- Para 526.2 For major penalty cases, the vigilance case will get closed once the DA has imposed any of the major penalties and sends copy of NIP along with its speaking order to Vigilance Organisation. No consultation with Vigilance is necessary where DA intends to impose penalty in accordance with first stage advice of Vigilance Organisation. However, where punishment is not considered adequate, the vigilance organization can later seek a revision by referring the case to RA as per extant procedure. Such revision would, however, not come in the way of vigilance clearance of staff.
- Para 526.3 For major penalty cases, where DA proposes to exonerate or impose a minor penalty, consultation with vigilance would be necessary. In such cases, DA has to first record his provisional views and consult Vigilance organization once giving reasons for disagreement with Vigilance advice. Vigilance Organisation should examine and furnish their comments to DA on such references. Normally vigilance organization is expected to furnish their comments to DA within two weeks of receipt of such references. Even if after this consultation, DA is not in agreement with views of Vigilance, then DA is free to proceed and pass speaking order for exoneration/imposition of penalty. Copy of the NIP/exoneration advice is required to be promptly sent by DA to Vigilance along with its speaking order and reasons of disagreement within a week of passing such orders. Vigilance Organisation may seek a revision by referring the case to RA, if considered necessary. However, such a revision would not come in the way of vigilance clearance of staff.
- Para 526.4 The procedure for consultation with Vigilance once as described would also be applicable in major penalty cases when appellate/revising authority proposes to exonerate or impose a minor penalty.

The above provisions of Indian Railway Vigilance Manual, 2018 may be brought to the notice of all officers under your control to avoid recurrence of procedural lacunae in dealing with DAR cases arising out of vigilance advice. This has the approval of SDGM/ER.

Copy to : Secretary to GM/ER – For kind information please.

04/12/2020
(Vinod Pandey)
Vigilance Officer/Accounts
for General Manager/Vigilance

CA/Sec cell & OS/Ruling
Ar: 07.12.2020

