

EASTERN RAILWAY

No. E. 308/0/Vol. XX

Kolkata, Dated 30.11.2017

ALL CONCERNED

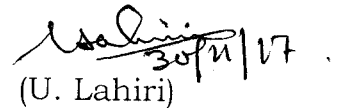
Sub: Process Reforms – Improving Delivery & Performance.

Executive Director (Civil) Transformation, Railway Board's letter No. 2017/Trans/01/Policy dated 16.11.2017 on the above subject is circulated for information, guidance and strict compliance.

This Serial Circular is available on Eastern Railway's official website. URL No. <http://www.er.indianrailways.gov.in> under **About us → Department → Personnel → CODEs MANUALs & CPO's Serial Circulars → CPO's SERIAL CIRCULARS.**

INDEX No. 1033: Guidelines on registration of a vigilance case and issue of Vigilance Clearance in the matters of Career progression.

DA: As above.


(U. Lahiri)

Dy. Chief Personnel Officer/R
for Principal Chief Personnel Officer

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
रेलवे बोर्ड RAILWAY BOARD

No. 2017/Trans/01/Policy

New Delhi, dated: 16 - 11- 2017

The General Manager, All Indian Railways/PUs, NF(Con), CORE
The DG/RDSO & NAIR,
CAOs, DMW/Patiala, WPO/Patna, COFMOW/NDLS, RWP/Bela

Sub: Process Reforms - Improving Delivery & Performance

Indian Railways is the lifeline of the nation and it needs to serve the people of the country safely & efficiently. Field officials have to be empowered and instilled confidence in order to take decisions in the best interest of work, within the broad framework of rules. During various interactions with officials working in the field, it has emerged that the performance of the organization sometimes gets compromised because of over-emphasis on procedures and undue fear of vigilance.

The matter has been considered, and following instructions are issued to mitigate the fear perception of Vigilance investigations.

1. Guidelines to be followed for registration of a vigilance case:

1.1 Whereas Vigilance Angle is obvious in the acts listed in Para-1.4.1 of CVC Vigilance Manual 2017; with regards to other irregularities, Para-1.4.2 stipulates that the disciplinary authority (DA) with the help of the CVO may carefully examine the case and within the given circumstances ascertain whether there is a reasonable ground to doubt the integrity of the official concerned. This implies that, for actions under para 1.4.2, before registering a case against an official, first and foremost aspect, required to be examined by the DA, and the Vigilance is the integrity of the official in the context of the allegations. Accordingly following procedure may therefore be followed:

a) SDGM may first examine the case/complaint from the standpoint of vigilance angle, and in case no vigilance angle is prima-facie found, the case may be sent to PHOD concerned for further action as deemed fit.

b) In other cases, in order to have a comprehensive picture of the entire case, it is important that the views of the PHOD(s) concerned are also taken before registration of a case against an officer/official.

c) In partial modification of the existing procedure, the matter should therefore be referred to the PHOD(s) concerned for his/their reasoned views on the existence of a vigilance angle or otherwise in the matter before a final decision on registration of a case is taken. In case of a disagreement between PHOD & SDGM, final view may be taken by the General Manager in his capacity as the


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Disciplinary Authority. The PHOD may, if required, consult DRM/CAO/CWM etc. However, in the interest of ensuring that the vigilance investigation is not delayed and processed as expeditiously as possible, it is important that the PHOD(s) concerned give his/their views within a period of 14 days. If this is not done, the case may be withdrawn from PHOD(s) and processed further without the views of the PHOD. This would be tantamount to disagreement between SDGM and PHOD and therefore case should be put up to GM as the DA.

c) The PHOD/DA while giving his reasoned order may also consider, among other things, the following:

- i. Law of ordinary prudence be kept in mind for the evaluation of a case, and instructions which are not available in codes/manuals, or not readily available on websites, need not be the sole criteria for ascertaining the vigilance angle.
- ii. Petty cases like a small difference found in the cash available with a cash handling official, or other minor procedural errors need not lead to the conclusion of a vigilance angle.
- iii. Whether a pattern has emerged on the basis of which an inference that an officer/official was actuated by extraneous consideration can be drawn.
- iv. Whether there has emerged from record, one or more circumstances which indicate that the decision which formed the basis of the charge of misconduct was not an honest exercise of the executive discretion and delegation of power.
- v. The charge of misconduct against an executive must be distinguished from a purely erroneous decision whether on law, policy or fact.

2. **Guidelines to be followed regarding Vigilance Clearance in the matters of Career progression:**

To avoid undue harassment to officials against frivolous complaints, and delays in their promotions etc., Railway Boards' letter E(D&A)92RG6-149(B) dated 21.01.1993 (RBE No. 14/93) mentions that the following cases be brought to the notice of DPC (as the cases of sealed cover procedure):

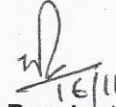
- a. Government servants under suspension;
- b. Government servants in respect of whom a charge sheet has been issued and disciplinary proceedings are pending; and
- c. Government servants in respect of whom prosecution for a criminal charge is pending.

In this regard DoPT's instructions issued vide Office Memorandum (OM) no F.No. 22034/ 4/ 2012 – Estt.(D) dated 02-11-2012 makes it clear that that vigilance clearance for promotion may be denied only in above mentioned three circumstances. DoPT's letter further clarifies that *"Withholding of Vigilance clearance to a Government servant who is not under suspension or who has not been issued a charge sheet and the disciplinary proceedings are pending or against whom prosecution for criminal charge is not pending may not be legally tenable in view of the procedure laid down in the aforesaid O.Ms."*

Above instructions may be followed scrupulously.


16/11

3. This is issued with the approval of the Chairman Railway Board. Kindly acknowledge the receipt and ensure compliance.


(T.K.Pandey)

Executive Director (Civil) Transformation

No. 2017/Trans/01/Policy

New Delhi, dated: 16-11-2017

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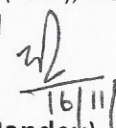
1. SDGM All Indian Railways & Production Units, NF(Con) & CORE
2. The ADAI (Railways), New Delhi
3. The Director of Audit, All Indian Railways
4. The Director, Indian Railway Institute of Civil Engineering, Pune.
5. The Director, Indian Railway Institute of Mechanical and Electrical Engineering, Jamalpur.
6. The Director, Indian Railway Institute of Signal Engineering and Telecommunications, Secunderabad.
7. The Director, Indian Railway Institute of Electrical Engineering, Nasik.
8. The Executive Director, Indian Railways Centre for Advanced Maintenance Technology, Gwalior.
9. The Director, Indian Railway Institute of Transport Management, Lucknow.
10. The Registrar, Railway Claims Tribunal, Delhi.
11. The General Secretary, IRCA, New Delhi.
12. The Chief Commissioner of Railway Safety, Lucknow.
13. The Secretary, Railway Rates Tribunal, Chennai.
14. The Chairman, Railway Recruitment Board, Ahmedabad, Ajmer, Allahabad, Bangalore, Bhopal, Bhubaneshwar, Chandigarh, Chennai, Gorakhpur, Guwahati, Jammu & Srinagar, Kolkata, Malda, Mumbai, Muzaffarpur, Patna, Ranchi, Secunderabad and Trivandrum.

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2. The Secy. Genl., IRPOF, Room No. 268, FROA, Room No. 256-D & AIRPFA, Room No. 256-D Rail Bhavan

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2. CRB, FC, ME, MTR, MRS, MS, MT, SECY, DG (RHS), DG (RPF), DG (Stores), DG(Pers), DG(S&T)
3. All AMs, Principal Executive Director & Executive Directors of Railway Board
4. Principal Executive Director (Vigilance) Railway Board.


(T.K.Pandey)

Executive Director (Civil) Transformation