

Eastern Railway

No. E 308/0/Vol. XX

Kolkata dated 2nd. Dec. 2020

All Concerned

Sub: Procedure for non-CVC vigilance cases pertaining
to Group 'C' and Group 'D' employees.

It has come to the notice that the instructions laid down in Railway Board's circular letter No. E(D&A)2000 RG6-30 dated 16.05.2001 (RBE No. 93/2001) and circulated under this office Serial No. 96(7)/2001 are not being followed scrupulously. This has resulted in unnecessary complications and undue delay in disposal of D&AR cases.

It has been decided to reiterate the instructions of RBE No. 93/2001 and the same is enclosed for information, guidance and strict compliance.

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.



(A. Ray)

Chief Personnel Officer/G
for Principal Chief Personnel Officer

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. E(D&A)2000 RG 6-30

16.5.2001

The General Managers(P),
All Indian Railways and Production Units etc.,
(As per Standard List)

Subj: Procedure for non-CVC vigilance cases pertaining to Group 'C' and
Group 'D' employees.

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The role of Vigilance Organisation in the non-CVC disciplinary cases, which arise out of their investigations, was one of the items in the agenda of the JCM/DC meeting held with the staff side in June, 2000. Pursuant to the discussions in the meeting and after further examination of the issues raised by the staff side, Board would like to clarify/specify as under -

- (i) Appointment of Inquiry Officer is the prerogative of the Disciplinary Authority. In majority of the cases, the Vigilance Organisation will leave the choice of Inquiry Officer completely with the Disciplinary Authority. In such a case, while appointing Inquiry Officer, Disciplinary Authority may ensure that the officer being appointed by him for conduct of inquiry is of sound integrity and possesses adequate knowledge of rules and procedures in regard to conduct of inquiry, which is a quasi-judicial proceeding.
- (ii) However, in some cases, the Vigilance would forward a panel of Inquiry Officers, indicating the number of inquiries pending with each one of them. The Disciplinary Authority in that case may choose one out of panel and appoint him as Inquiry Officer. In cases involving more than one charged official, special care may be taken by all the concerned DAs to appoint the same inquiry officer out of the panel of I.O's sent by Vigilance.
- (iii) In terms of this Ministry's letter No. 78/V-1/CVC/1/2 dated 17.3.89, the disciplinary authority may give due regard to the advice of the Vigilance Organisation and strive to remove/reduce areas of disagreement, if any, with the Vigilance, by mutual consultation and discussion. However, if there is still a disagreement, the disciplinary authority is free to take an independent decision on the case.

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In partial modification of the Ministry's aforesaid letter dated 17.3.89, it has been decided that if, in a case, the vigilance has recommended a major penalty and the disciplinary authority proposes to exonerate or impose a minor penalty, the disciplinary authority should first record his provisional order and then consult Vigilance Organisation once. However, if, after such consultation, the Disciplinary Authority is not in agreement with the views of Vigilance, then he/she is free to proceed and pass speaking order about the penalty. The Vigilance Organisation may, if they so consider, seek revision of the penalty by the appropriate authority.

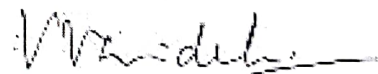
Likewise, where a major penalty has been imposed by the disciplinary authority in agreement with the recommendations of the Vigilance but the appellate/revisionary authority proposes to exonerate or impose a minor penalty, the appellate/revisionary authority may first record provisional decision and consult the Vigilance Organisation once. After such consultation, the appellate/revisionary authority is free to take a final decision in the matter and record his/her views about penalty through speaking order.

2. It has been observed that, in many cases, disciplinary/appellate/revisionary authorities invariably refer all the disciplinary cases arising out of vigilance investigation to the vigilance organisation, before taking a final decision in the case. It is advised that consultation with Vigilance is required only in those cases where they intend to impose/modify the penalty at variance with Vigilance's advice of major penalty.

3. The Disciplinary Authority may ensure that the copy of 'Notice Imposing Penalty(NIP)' is sent to Vigilance promptly on issue so that they can take necessary action to process for revision, if considered necessary.

4. There will be no change in the extant procedure for dealing with cases involving CVC's advice.

5. Please acknowledge receipt.



(V. Vaidehi)

Jt. Director Establishment(D&A)II
Railway Board

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