

No. 118/2/78-AVD(I)
Government of India
Department of Personnel &
Administrative Reforms
(Ministry of Home Affairs)

New Delhi, dated the 28.9.78.

OFFICE MEMORANDUM

Subject:- Central Vigilance Commission - Cases of differences from/non-acceptance of the advice of - Procedure for consultation with the Department of Personnel & A.R.

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The Central Vigilance Commission is consulted at various stages of departmental proceedings against gazetted officers of the Central Government and officers of the Public Sector Undertakings drawing a basic pay of Rs. 1000/- or more, as well as before a final decision is taken on complaints against such officers. A second reference to the C.V.C. is also required to be made for reconsideration of its advice in cases in which the disciplinary authority proposes to disagree with its advice; vide CVC's letter No. 1/14/70-R, dated the 20th July, 1970. Thereafter the final decision is taken by the concerned disciplinary authority.

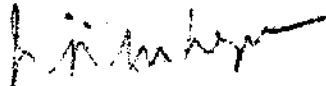
2. With a view to bringing about greater uniformity in examining on behalf of the President the advice tendered by the CVC and taking decisions thereon, it has been decided that this Department should be consulted before the Ministries/Departments finally decide to differ from/not to accept any recommendation of the Central Vigilance Commission in those cases which relate to Gazetted Officers for whom the appointing authority is the President. Such a reference to this Department in those cases should be made at the following stages:-

- (i) Where the Central Vigilance Commission advises action on a complaint or an investigation report, or further investigation into any allegation against an officer, but the concerned administrative Ministry/Department proposes not to take any further action on the complaint/investigation report, and
- (ii) the concerned administrative Ministry/Department proposes not to accept the second stage advice of the CVC on (a) a report of an Inquiring Authority or (b) the explanation submitted by an officer in reply to a charge-sheet in minor penalty proceedings.

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3. Cases in which the Heads of Departments or other authorities like Commissioner of Income Tax, Collector of Central Excise, Chief Engineer, etc. are the disciplinary authorities, need not be referred to this Department.

4. Similar cases relating to officers of the Public Sector Undertakings in which decisions are to be taken by the Board of Directors should also not be referred to this Department. However, in such cases, copies of the final orders passed by the concerned Public Sector Undertakings, together with a separate note giving reasons for differing from, or non-acceptance of, any recommendation of the Central Vigilance Commission should be sent to this Department for information as soon as possible.



(N.R. Subramanyan)

Deputy Secretary to the Government of India.

All the Ministries/Departments of the
Government of India,
(Chief Vigilance Officers by name).