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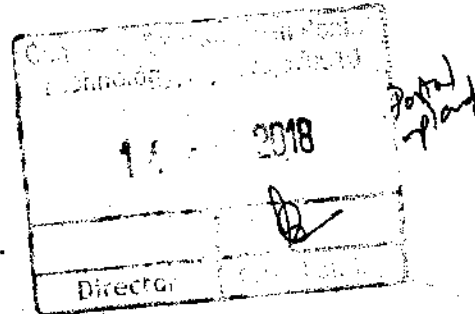


No.4-24/2016-Vig  
 Government of India  
 Ministry of Communications  
 Department of Posts

New Delhi, 06<sup>th</sup> February, 2018.

To

The CPMsG (All Circles)  
 The Director, Rafi Ahmed Kidwai National Postal Academy  
 All Postal Training Centres  
 Addls DG APS, West Block-III, R. K. Puram, New Delhi – 110066  
 CGM (PLI), Directorate, Chanakyapuri, New Delhi – 110021  
 CGM (BD), BD Directorate, DakBhawan, New Delhi



**Subject: Various circular issued from Central Vigilance Commission.**

Sir/Madam

I am directed to forward herewith a copy of following circulars issued by Central Vigilance Commission for information and further necessary action.

| Sl. No | CVC Circular No & date  | Subject   |
|--------|---|---|
| 1.     | Sl. No 010 VGL/095<br>Circular No 17/12/12<br>Dated 07.12.2012  | Second stage consultation with the CVC in disciplinary cases involving consultation with UPSC-Amendment to the Vigilance Manual |
| 2.     | Sl. No 014 VGL/095<br>Circular No 08/12/14<br>Dated 03.12.2014  | Second stage consultation with the CVC in disciplinary cases -Amendment to the Vigilance Manual                                 |
| 3.     | Sl. No 006/PRC/1<br>Circular No 09/12/14<br>Dated 11.12.2014  | References to the Commission for advice   |
| 4.     | Sl No 015/MSC/016<br>Circular No 07/04/2015<br>Dated 27.04.2015   | Consultation with CVC for first advice-revised procedure.   |
| 5.     | Sl. No 000/VGL/187 Office Order No 2/1/04 and Para No 1.2.2 & Chapter VII (Para 7.9.5 & 7.9.6) of Vigilance Manual 2017 | Obtaining Commission's advice in composite cases  |

2. This may kindly be brought to the notice of all concerned.

Yours faithfully,

*(Dinesh Kumar Sharma)* 03/02/18

Copy to:

1. GM, CEPT, DoP, Mysore with request to upload the letter on the website of Department of Posts.
2. PPS to Secretary (Posts), PPS to all Member (PSB)/PPS to Addls DG Coord/Sr.DDG (PAF)/JS&FA.
3. All DDGs, DakBhawan.
4. CE (Civil), DakBhawan
5. ADG(Vig-I)/ADG (Vig-II)/ADG (Vig-III)/ ADG(inv-I)/ADG(inv-II)/AD(CCS)/SO(Vig-I)/SO(Vig-II)



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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023  
Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi 110023

010VGL/095

सं./No.....

07.12.2012

दिनांक / Dated.....

Circular No.17/12/12

**Subject: Second stage consultation with the CVC in disciplinary cases involving consultation with UPSC - Amendment to the Vigilance Manual -reg.**

The Commission, at present, is being consulted at two stages in vigilance cases/disciplinary proceedings, i.e. first stage advice is obtained on the investigation reports, and second stage advice is obtained before a final decision is taken at the conclusion of the proceedings. The Department of Personnel & Training (DoPT) had issued guidelines vide OM No.372/19/2011-AVD-III(Pt.) dated 26.09.2011 regarding dispensing with second stage consultation with the Central Vigilance Commission (CVC) in disciplinary cases involving consultation with Union Public Service Commission (UPSC).

2. In order to ensure speedy finalisation of disciplinary matters and to avoid possibilities of difference of opinion between UPSC and CVC, it has been decided as a policy to prescribe only one consultation (either with UPSC or with CVC). The Commission therefore, in supersession of all its existing instructions/provisions in the Vigilance Manual hereby prescribes that in disciplinary cases involving Group 'A' officers of the Central Government, members of All India Services and such categories of officers where an original order is to be issued by the President imposing any of the penalties wherein, the UPSC is required to be consulted as per extant rules, the Central Vigilance Commission need not be consulted for second stage advice on conclusion of the disciplinary proceedings. In all such disciplinary cases, in which it is necessary to consult the UPSC, the disciplinary authorities concerned would forward the records of the disciplinary case to the UPSC for its advice and take further action taking into consideration, the advice of the UPSC.

3. However, in disciplinary cases wherein, the disciplinary authorities tentatively propose not to impose any of the statutory penalties at the conclusion of the disciplinary proceedings, (i.e. cases where the UPSC are not required to be consulted), the second stage consultation would continue to be made with the Central Vigilance Commission, involving Group 'A' officers of the Central Government, members of All India Services and such other categories of officers of the Central Government involved in composite cases. In other words, all disciplinary proceedings in which the disciplinary authorities propose to exonerate or drop the charges, the consultation at second stage would continue to be made to the CVC by the concerned administrative authorities.

4. The above dispensation would not be applicable to the disciplinary cases being referred to the Commission involving officials of the CPSEs/PSBs/Public Sector Insurance Companies/Societies/Local Authorities/Autonomous Organisations etc. and such cases would continue to be referred to the Commission for its second stage advice as per existing prescribed procedure.



(J. Vinod Kumar)

Officer on Special Duty

To,

- i) The Secretaries of Ministries/Departments of Government of India
- ii) The Chief Secretaries to Union Territories
- iii) The Chief Vigilance Officers of Ministries/Departments of Government of India

**Copy for information to:-**

- i) The Secretary, Union Public Service Commission
- ii) The Secretary, Department of Personnel & Training
- iii) The Director, Central Bureau of Investigation



सत्यमेव जयते



28

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
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सं./No. .... 014-VGL-061

दिनांक / Dated 03<sup>rd</sup> December 2014

Circular No. 08/12/14

Subject: Second stage consultation with the CVC in disciplinary cases —  
Amendment to the Vigilance Manual – regarding.

Reference: (i) Commission's Office Order No. 03/01/10 issued vide No. 009/VGL/056  
dated 28.01.2010

(ii) Commission's Circular No 17/12/12 issued vide No. 010/VGL/095  
dated 07.12.2012

The Commission, at present, is being consulted at two stages in vigilance cases / disciplinary proceedings, i.e. first stage advice is obtained on the investigation reports, and second stage advice is obtained before a final decision is taken at the conclusion of the proceedings.


2. The Commission vide its Office Order No. 03/01/10 dated 28.01.2010 had earlier dispensed with the requirement of obtaining second stage advice in respect of officers not falling within the jurisdiction of the Commission in composite cases wherein, first stage advice had been tendered in respect of all categories of officers involved. Cases of such officers are presently required to be referred only if the disciplinary authority's (DA) opinion/views is at variance with the Commission's advice. Further, vide its Circular No. 17/12/12 dated 07.12.2012, the Commission had dispensed with consultation at second stage on conclusion of disciplinary proceedings in respect of Group 'A' officers of Central Government, members of All India Services and such categories of officers wherein the UPSC is required to be consulted as per extant rules.

3. The Commission on a further review of the consultation mechanism and to provide for speedy finalisation of disciplinary proceedings, has now decided to dispense with the consultation for second stage advice of the Commission in cases where the disciplinary authority (DA), on conclusion of disciplinary proceedings, proposes to impose a penalty which is in line with the Commission's first stage advice in respect of officers falling within the jurisdiction of the Commission also. Such cases would, henceforth be dealt at the level of the CVO and DA concerned in

the Organisation/Department. However, the CVO should forward an action taken report alongwith a copy of IO's findings and the final order issued by DA in all such cases of officers for Commission's record. It is further clarified that all such cases where the disciplinary authority proposes to take any action which is at variance with the Commission's first stage advice would continue to be referred to the Commission for obtaining second stage advice.

4. By dispensing with the requirement of seeking second stage advice in regard to the categories of officers as aforesaid, the Commission expects that (i) the CVO would be in a position to exercise proper check and supervision over such cases and would ensure that the cases are disposed off expeditiously within the time norms stipulated by the Commission; and (ii) the punishment awarded to the concerned officer is commensurate with the gravity of the misconduct established on his/her part. In order to ensure that the Commission's expectations are fully met, the Commission may depute its officers to conduct vigilance audit through onsite visits. If the Commission comes across any matter, which in its opinion, has not been handled properly, it may recommend its review by the appropriate authority or may give such directions as it considers appropriate.

5. Para 2.14.3 of Vigilance Manual, Vol.I (sixth edition) and relevant provisions of the Special Chapters on Vigilance Management in Public Sector Enterprises, Public Sector Banks and Public Sector Insurance Companies stand amended to the extent stated above.



(J. Vinod Kumar)  
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of Government of India
- (ii) The Chief Secretaries to all Union Territories
- (iii) All Chief Vigilance Officers in the Ministries/Departments
- (iv) All CMDs/CEOs of CPSEs, Public Sector Banks/Insurance Companies/  
Autonomous Bodies /Societies/Local Authorities
- (v) All Chief Vigilance Officers of Ministries/Departments/CPSEs/Public  
Sector Banks / Insurance Companies / Autonomous Bodies/ Societies /  
Local Authorities

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स  
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Block A, INA, New Delhi 110023

सं./No. 006/PRC/1

11.12.2014

दिनांक / Dated

Circular No. 09/12/2014

**Sub: - References to the Commission for advice – Procedure regarding.**

- Ref:- (i) Commission's Circular No.14/3/06 dated 13/03/2006  
(ii) Commission's Circular No.32/12/08 dated 01/12/2008  
(iii) Commission's Circular No.21/8/09 dated 06/08/2009

The Commission is being consulted at two stages in disciplinary proceedings, i.e. first stage advice is obtained on the investigation reports and second stage advice is obtained on receipt of inquiry reports before a final decision is taken on conclusion of the disciplinary proceedings. In order to ensure proper appreciation of facts and examination of references, made by the Ministries/Departments/Organisations for its advice, the Commission has been emphasizing on the need for sending complete details/records including providing a tabular statement of the case as prescribed in the above cited circulars. It has been observed that the tabular statements are not being sent or filled-up properly by the departments / organisations while referring cases for first stage / second stage advice of the Commission.

2. As per the role and functions of CVOs, prescribed in Chapter II of Vigilance Manual (sixth edition), the investigation reports together with the specific recommendations of CVO in respect of each suspect officer(s) involved in a case is required to be submitted for consideration of the Disciplinary Authority concerned. After obtaining tentative views/recommendations of the Disciplinary Authority (DA), the case is required to be referred to the Commission for its first stage advice, wherever necessary. Similarly, the CVO would examine the inquiry officer's report and after obtaining the tentative views of the competent disciplinary authority about further course of action to be taken, seek the Commission's second stage advice, wherever required. To further streamline the consultation with the Commission, henceforth, the tabular statements as in formats prescribed below should invariably be furnished alongwith other records/documents while making references for first and second stage advice of the Commission:-

**First stage advice**

| Sl.No. | Name and designation of the suspect officer | Allegation s in brief | Version of the suspect officer | Findings of inquiry/ investigation on each allegation(s) | Comments/ recommendations of the CVO | Comments/ recommendation of the Disciplinary Authority |
|--------|---|-----------------------|--------------------------------|--|--------------------------------------|--|
|        |   |                       |                                |  |                                      |  |

**Second stage advice**

| Sl. No. | Name and designation of the charged officer | Allegation s in brief on each article of charge(s) | Defence statement/ CO's brief | Finding of inquiry officer (IO) on each article of charge(s) | Comments of CVO on findings | Comments/ recommendation of the Disciplinary Authority on IO's findings |
|---------|---|--|-------------------------------|--|-----------------------------|---|
|         |   |  |                               |  |                             |   |

3. CVOs of all Ministries/Departments/Organisations would ensure that complete information / records are sent alongwith references being made to the Commission for its advice.

  
 (J Vinod Kumar)  
 Officer on Special Duty

To

All Chief Vigilance Officers

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
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Block A, INA, New Delhi 110023

सं./No. 015/MSC/016

27<sup>th</sup> April, 2015  
दिनांक / Dated.

CIRCULAR No.07/04 /15

**Subject: Consultation with CVC for first stage advice – revised procedure - reg.**

**Reference : (i) Commission's letter No. DO VGL 10 dated 3.9.1985**

**(ii) Commission's Office Order No. 24/4/04 dated 15.4.2004**

**(iii) Commission's Office Order No. 25/4/05 dated 29.4.2005**

As per the existing scheme for consultation with the Commission, the CVOs of the Ministries / Departments and all other organisations are required to seek the Commission's first stage advice after obtaining the tentative views of Disciplinary Authorities (DAs) on the reports of the preliminary inquiry / investigation of all complaints involving allegation(s) of corruption or improper motive, or if the alleged facts prima-facie indicate an element of vigilance angle which are registered in the Vigilance Complaint Register involving Category-A officers (i.e., All India Service Officers serving in connection with the affairs of the Union, Group-A officers of the Central Govt. and the levels and categories of officers of CPSUs, Public Sector Banks, Insurance companies, Financial Institutions, Societies and other local authorities as notified by the Government u/s 8(2) of CVC Act, 2003) before the competent authority takes a final decision in the matter. Such references also include cases wherein the allegations on inquiry do not prima facie indicate any vigilance overtone / angle / corruption.

2. On a review of the scheme of consultation with the Commission, and to expedite the processes of vigilance administration in the Ministries/Departments/Organisations, it has been decided that, henceforth after inquiry / investigation by the CVO in complaints / matters relating to Category-A officers as well as composite cases wherein, Category-B officers are also involved, if the allegations, on inquiry do not indicate prima facie vigilance angle / corruption and relate to purely non-vigilance / administrative lapses, the case would be decided by the CVO and the DA concerned of the public servant at the level of Ministry / Department / Organisation concerned. The CVO's reports recommending administrative / disciplinary action in non-vigilance / administrative lapses would, therefore, be submitted to the DA and if the DA



agrees to the recommendations of the CVO, the case would be finalised at the level of the Ministry / Department / Organisation concerned. In all such matters, no reference would be required to be made to the Commission seeking its first stage advice. However, in case there is a difference of opinion between the CVO and the DA as to the presence of vigilance angle, the matter as also enquiry reports on complaints having vigilance angle though unsubstantiated would continue to be referred to the Commission for first stage advice. The provisions of the Vigilance Manual and the Special Chapter on Vigilance Management in Public Sector Enterprises, Public Sector Banks and Insurance Companies would stand amended to this extent.

3. The above revised consultation procedure / dispensation would not apply to the complaints received by the Commission and referred for investigation and report to the CVO of the Ministry / Department / Organisation and CVOs would continue to furnish their investigation reports in all matters involving Category-A officers for seeking first stage advice of the Commission irrespective of the outcome of inquiry / investigation. Similarly, all written complaints / disclosures (Whistle Blower complaints) received under the Public Interest Disclosure and Protection of Informers Resolution (PIDPI), 2004 or the Whistle Blowers Protection Act, 2011 would also continue to be handled / processed by CVOs in terms of the existing prescribed procedures or as amended from time to time.



(J. Vinod Kumar)  
Officer on Special Duty

To

All Chief Vigilance Officers of Ministries / Departments / CPSEs / Public Sector Banks / Insurance Companies / Autonomous organisations / Societies etc.

Copy for information to: - The Joint Secretary (S&V), Department of Personnel & Training, North Block, New Delhi - 110 001.

No.000/VGL/187  
Government of India  
Central Vigilance Commission  
\*\*\*\*\*

Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 8<sup>th</sup> January, 2004

Office Order No. 2/1/04

To

All CVOs of Public Sector Enterprises

**Subject:- Obtaining Commission's advice in composite cases.**

Sir,

Para 16.2 of Special Chapter on Vigilance Management in Public Sector Enterprises provides that if an employee of a PSU involved in a case, falls within the Commission's jurisdiction, latter's advice would be required and any decision of the disciplinary authority at this juncture may be treated as tentative. Such a reference would be required to be made even in respect of an officer/staff who are not within the Commission's jurisdiction if they are involved alongwith other officers who are within the jurisdiction of the Commission, as the case would than become a composite case and falls within the Commission's jurisdiction.

2. However, it has been observed by the Commission that a number of organisations are not following this procedure and de-linking the suspected employees in a composite case. This is not in consonance with the Commission's directives. The Commission again reiterates that a composite case should be processed as 'one' and action against every individual employee should be taken only on Commission's advice, even if there is only one official who comes within Commission's jurisdiction.

Yours faithfully,

Sd/-  
(Anjana Dube)  
Deputy Secretary

- (E-8 Scale in Sch. 'A' & 'B' CPSEs is in the range of Rs. 51,300 – 73,000 effective from 01.01.2007 pursuant to pay revision after 6th CPC)
- (iii) Chief Executives and Executives on the Board and other officers of E-7 and above in respect of Schedule 'C' and 'D' Public Sector Undertakings; [E-7 Scale in Sch. 'C' & 'D' CPSEs is in the range of Rs. 43,200 – 54,000 effective from 01.01.2007 pursuant to pay revision after 6<sup>th</sup> CPC]
- (iv) Officers in Grade 'D' and above in respect of RBI, NABARD and SIDBI; [As on 01.01.2015 the Grade 'D' Scale in RBI is Rs. 39,850 – 46,150]
- (v) Managers and above in General Insurance Companies;
- (vi) Senior Divisional Managers and above in Life Insurance Corporations; and
- (vii) Officers drawing salary of Rs. 8700/- p.m. and above on Central Government D.A. pattern, as on the date of the notification (*DoPT* Notification dated 12.9.2007) and as may be revised from time to time in Societies and other Local Authorities.

### 1.2.2 JURISDICTION OVER OTHER CATEGORIES IN SPECIAL CASES

- (a) **Composite cases:** In composite cases, Commission's advice would be necessary in respect of all officers of the Central Government or an organisation under it, irrespective of their level, if they are involved in the same matter in which Category 'A' is involved.

[May also Refer to *Chapter VII* (para 7.9.5 & 7.9.6)]

- (b) **Difference of opinion:** The Commission's advice would also be necessary in cases of difference of opinion between the disciplinary authority and the CVO with regard to the action to be taken against officers who are not within the jurisdiction of the Commission if these differences cannot be resolved with the intervention of the Secretary of the Ministry or Head of the Departments. (*CVC Circular No. 98/VGL/15 dated 16.04.2004*).
- (c) **Complaints under PIDPI Resolution:** For the purpose of Public Interest Disclosure and Protection of Informer Resolution 2004, the Commission's jurisdiction extends to any employee of Central Government, corporations established by or under any Central Act, Government companies, societies

- (vi) A copy of the draft charge sheet against the SPS along with the list of documents and witnesses through which it is intended to prove the charges;
- (vii) Assurance memo.

(CVC Circular No. 14/3/06 dated 13.03.2006: Reference to the Commission for its advice-Documents including the draft charge sheet to be enclosed for seeking first stage advice and the documents to be enclosed for seeking second stage advice)

(CVC Circular No. 21/8/09 dated 06.08. 2009: References to the Commission for first stage advice- procedure regarding)

7.9.5 **Commission's advice in Composite cases:** If a Government servant falls within the Commission's jurisdiction, the advice of Commission would be required and any decision of the Disciplinary Authority at this juncture may be treated as tentative. Such a reference would be required to be made even in respect of an officer / staff who are not within the Commission's jurisdiction if they are involved along with other officers who are within the jurisdiction of the Commission, as the case would then become a composite case and falls within the Commission's jurisdiction.

7.9.6 A composite case should be processed as 'one' and action against every individual employee should be taken only on Commission's advice, even if there is only one official who comes within Commission's jurisdiction.

(CVC Office order No. 2/1/04 dated 08.01.2004: Obtaining Commission's advice in composite cases)

7.9.7 **Making available a copy of CVC's first stage advice to the concerned employee:** A copy of the Commission's first stage advice may be made available to the concerned employee along with a copy of the charge sheet served upon him, for his information.

(CVC Circular No. 99/VGL/66 dated 28.09.2000: Consultation with the CVC- Making available a copy of the CVC's advice to the concerned employee)

7.9.8 **Difference of opinion between the CVO and the Chief Executive and between the Vigilance Officers and the Head of Office:** With regard to