

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD**

No. 2006/V-1/Meet/6/1

New Delhi, dated: July 19, 2006

The General Managers

CR, ER, ECR, ECOR, NR, NCR,
NER, NFR, NWR, SR, SCR, SER,
SECR, SWR, WR, WCR, CLW,
DLW, ICF, RCF, RWF, CORE,
METRO & NFR(Constn.)

The Directors,

IRICEN, IRISSET, IRITM. IRIEEN
& IRIMEE,

Chief Administrative Officers

DLMW & COFMOW

Managing Directors

BITES, IRCON, KRCL, CONCOR,
IRFC, MRVC, RCTC, RAILTEL,
CRIS, RVNL and IRWO.

Director General

RDSO and RSC

Others

CCRS/LKO

**Sub: Procedure for dealing with DAR cases against group
'C' and 'D' staff arising out of vigilance investigation.**

It has come to the notice of Railway Board that there is inordinate delay in giving vigilance clearance/ furnishing vigilance position by some of the Vigilance units on account of either not following the existing instructions or not interpreting the same correctly. This adversely affects the staff and delays their promotion.

2.0 The existing instructions for dealing with disciplinary proceedings and vigilance clearance have been considered and **it has been decided that, in supersession of all previous instructions, on the subject,** the procedure given below will henceforth be followed for dealing with DAR cases and vigilance clearance of Group 'C' and Group 'D' staff:-

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2.1 Cases involving Group 'C' and Group 'D' staff only (i.e. not involving any Gazetted Officer).

In these cases CVC advice is not required. These cases which are also known as Non-CVC cases be dealt as under:-

2.1.1 In minor penalty cases, vigilance clearance for a particular case would be given once the Disciplinary Authority (DA) has finalized the DAR action and a punishment notice (NIP) had been issued. No consultation is necessary with Vigilance even if DA differs with the first stage advice of vigilance organization and penalty imposed is at variance with Vigilance advice or DA exonerates the charged official. DA is only required to send a copy of NIP/ exoneration advice along with its speaking order and reasons of disagreement to Vigilance promptly, say within a week. In the cases of deviation, Vigilance can seek a revision by referring the case to Revising authority (RA) if considered necessary. Such revision would, however, not come in the way of vigilance clearance of staff.

2.1.2 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 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.

2.1.3 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

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2.1.4 The procedure for consultation with Vigilance once as described in Para 2.1.3 would also be applicable in major penalty cases when appellate/ revising authority proposes to exonerate or impose a minor penalty.

2.1.5 Procedure as described in Paras 2.1.1. to 2.1.4 above would also be applicable for the cases investigated by Board Vigilance. However, in cases of disagreement of DA/Appellate Authority/RA, Zonal Railway Vigilance has to send case to Board Vigilance along with their comments for consultation.

2.1.6 SDGM/CVO may put up details of cases where penalty imposed by DA/AA/RA is either at variance with vigilance advice or considered inadequate to General Manager, once every quarter, for his information endorsing a copy to A.M.(Vig.), Railway Board.

2.2 Composite cases involving Group 'C' and 'D' staff along with Group 'A' officer(s) or Group 'B' officer(s) working in senior scale (also called CVC composite cases).

2.2.1 In minor penalty cases, no consultation with Vigilance/CVC is necessary if punishment proposed to be imposed by DA is in line with CVC advice. However, in cases of deviation, case is required to be sent to CVC for reconsideration along with provisional views of DA and Vigilance comments thereon. Vigilance Units should promptly (say within two weeks) send the cases to Board Vigilance for seeking CVC's reconsidered advice. DA is however, free to pass speaking order and issue NIP if he is still not in agreement with CVC's reconsidered advice. Copy of this NIP alongwith reasons of his disagreement should be promptly sent to Vigilance for onward transmission to CVC. CVC can include this case in its Annual Report that is submitted to Parliament and can be discussed by Hon'ble. MPs.

2.2.2 In major penalty cases, all cases are required to be referred to CVC for second stage advice after completion of Inquiry along with IO's report, provisional views of DA and Vigilance comments. Vigilance case is closed once DA imposes penalty in accordance with CVC's second stage advice and furnishes a copy of NIP to Vigilance for onward submission to CVC.

However, if DA differs with CVC's second stage advice, case is again required to be referred to CVC for reconsideration along with reasons for disagreement by DA and Vigilance comments. If DA still differs with CVC's reconsidered second stage advice, he can pass speaking orders and issue NIP. A copy of NIP along with reasons of disagreement is required to be sent to Board Vigilance for onward submission to CVC. CVC can include this case in

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its Annual report that is submitted to Parliament and can be discussed by Hon'ble MPs.

2.2.3 The procedure for consultation with CVC once as described in Paras 2.2.1 & 2.2.2 would be applicable when appellate/ revisionary authority proposes to deviate from CVC's advice.

2.3 Composite cases involving Group 'C' and 'D' staff alongwith Group 'B' officer(s).

2.3.1 Same procedure as prescribed for CVC composite cases detailed in Para 2.2 above would be applicable except that the case would be decided at the level of AM(Vig) and would not be referred to CVC.

3.0 In the light of above instructions, there should not be any difficulty in dealing with DAR cases expeditiously. Vigilance organisation will only furnish the current vigilance position about the employee to the executive branch, which has to take decision about promotion/ deputation/ training etc of the employee in accordance with the extant instructions. There should, therefore, be no reason for delay in furnishing vigilance position by the Vigilance organisation.

4.0 Efforts should also be made by Vigilance organisation to computerise their vigilance clearance module to enable furnishing vigilance position reports promptly. This computerisation should be completed within six months and report furnished to Railway Board.

(Mathew John)
Addl. Member (Vigilance)
Railway Board