OFFICE MEMORANDUM

Subject: Central Vigilance Commission - cases of differences from/non-acceptance of the advice of procedure for consultation with the Department of Personnel and Training – reg.

The undersigned is directed to enclose herewith a copy of DOP&T's O.M. No.119/2/2019-AVD-III dated 2nd December, 2019 on the above mentioned subject for information and compliance.

Encl: As above

To

Shri Sanjay Rastogi, DC(Handlooms), Udyog Bhavan, New Delhi

Shri Shantmanu, DC(Handicrafts), R.K. Puram, New Delhi

Shri Moloy Chandan Chakraborty, Textile Commissioner, Mumbai

Shri Moloy Chandan Chakraborty, Jute Commissioner, Kolkata

Gp. Capt. K.S. Shekhawat, Executive Director, CWDB, Jodhpur

Dr. K.M. Gandhi, Director, SVPISTM, Coimbatore

Shri Arvind Kumar M. Secretary, National Jute Board, Kolkata.

Shri Ajit B. Chavan, Secretary, Textile Committee, Mumbai

Shri Shantmanu, DG, NIFT, New Delhi

Shri Rajit Ranjan Okhndiar, Member Secretary, CSB, Bangalore
No. 119/2/2019-AVD-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

Office Memorandum

North Block, New Delhi
Dated 02nd September, 2019.

Subject: Central Vigilance Commission - cases of Differences from/non-
acceptance of the advice of – procedure for consultation with the
Department of Personnel and Training –reg.

The undersigned is directed to refer to this Department’s OM No. 118/2/78-AVD(I) dated 28.09.1978 on the above subject stipulating that DoPT should be
consulted before the Ministries/Departments finally decide to differ from or not to
accept any recommendation of the CVC in those case which relate to Gazetted
Officers for whom the appointing authority is the President.

2. Instances have come to the notice of this Department where the DAs have
taken final decisions in disagreement with the recommendations of Central Vigilance
Commission without following the procedure prescribed vide DoPT’s above cited OM
dated 28.09.1978; thereby defeating the objective of bringing greater uniformity in
examination of cases on behalf of the President and advice tendered by CVC.

3. In view of the above, it is hereby reiterated that all Ministries/Departments are
to ensure strict adherence to the instructions dated 28.09.1978 of DoP&T referred to
above.

4. Further, the Ministries/Departments are requested to also bring the content of
this OM to the notice of all offices/organizations under their administrative control for
strict adherence.

5. This issues with the approval of the Competent Authority.

Under Secretary to the Government of India
Tel. No. 2309 4541

To M/o Textiles

All Ministries/Departments (As per standard list).

Copy to: 1. Secretary, Central Vigilance Commission, Satarkata Bhawan, New Delhi.
2. Prime Minister's Office, South Block, New Delhi.
CONFIDENTIAL

No. 113/2/73-AVD(I)
Government of India
Department of Personnel &
Administrative Reforms
(Ministry of Home Affairs)

New Delhi, dated the 28.9.73.

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.


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 investigatio
into any allegation against an officer, but
the concerned administrative Ministry/Depart-
ment proposes not to take any further action
on the complaint/investigation report, and

(ii) the concerned administrative Ministry/Depart-
ment 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.

... 2/-
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).