

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबागंगनाथमार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi – 110067

**File No : CIC/CVCOM/C/2017/175362/SD**

**S S Chawla**

...शिकायतकर्ता /Complainant

VERSUS

बनाम

**CPIO,**

Director/CPIO

Central Vigilance Commission

Satarkata Bhawan, GPO Complex,

Block A, INA, New Delhi – 110023.

....प्रतिवादीगण /Respondent

RTI application filed on	:	19/07/2017
CPIO replied on	:	22/08/2017 & 07/10/2017
First appeal filed on	:	04/09/2017
First Appellate Authority order	:	03/10/2017
Complaint dated	:	31/10/2017
Date of Hearing	:	10/01/2019
Date of Decision	:	10/01/2019

**Information sought:**

The Complainant sought to know the date of closure of complaint issued under Office Memorandum No. Conf./1648/08/147610 dated 30.09.2011 along with copy of guidelines of the CVC for action to be taken on responsible officers.

**Grounds for the Complaint:**

The CPIO has not provided the desired information.

**Relevant Facts emerging during Hearing:**

The following were present:-

**Complainant:** Present on phone.

**Respondent:** S.C. Sinha, Director & CPIO and Raj Kumar, Under Secretary, Central Vigilance Commission, Satarkata Bhawan, INA, New Delhi present in person.

Complainant stated that he is aggrieved with the fact that even after 6 years CVC has not completed the inquiry in the case under reference. In this regard he brought the attention of the bench to a decision of a coordinate bench dated 23.03.2012 in his case vide File No.CIC/SM/A/2011/000827 & CIC/SM/C/2011/001377 wherein emphasis was laid on the importance of stipulating time frame for completing investigation on complaints received by CVC and even on those which are forwarded to concerned CVOs.

CPIO submitted that since the complaint under reference was not closed, no date of closure of complaint is available and the same was intimated to the Complainant. As regards the guidelines, CPIO stated that no timeline is specified in the CVC Act, 2003 for completing investigations.

## **Observations**

Commission concedes with the observations of the coordinate bench in the decision dated 23.03.2012 as relied upon by the Complainant during hearing. The operative part of the said decision is as under:

*5. After carefully considering the facts of the case, one thing emerges that the lack of any time limit for disposal of complaints, whether endorsed with the direction to investigate to take further action results in the complaints taken very lightly by the CVO concerned without often reaching any decisive action. Since the number of complaints received in the CVC is quite high, it is always possible that even some serious complaints may be getting forwarded to the CVO concerned not for investigation but for further necessary action, in which case, in the absence of any time limit, such complaints would remain pending indefinitely. Obviously, this would generate a lot of cynicism in the minds of complainants. We would expect the CPIO to bring this to the notice of the CVC for taking a fresh look at the complaint handling policy and to evolve clear timelines, wherever possible, for disposing of complaints at all levels.*

The coordinate bench has rightly pointed out the imperativeness of adhering to time limits in the investigations undertaken by CVC itself or through concerned Chief Vigilance Officers (CVOs). The primary function of the Respondent office is to investigate into complaints of corruption against public officials, by the very

nature of its statute; the investigations thus carried out become a matter of larger public interest. Adverting to this proposition, it is not desirable that complaints are kept pending for such inordinate period as has been alleged in this case; an instance such as this where a complaint has been kept pending for a period of 6 years, more or less renders the whole investigation inconsequential.

The present case brings stark irony in the face of a Circular No.000-VGL-18 issued by the Respondent office on 18.01.2016 to all public authorities on the subject of *“Timely compliance of disciplinary proceedings/departmental inquiry proceedings-improving vigilance administration”* wherein an outer time-limit of 6 months has been reiterated by CVC for completion of inquiries. The said circular has been espoused from the ratio laid down by Hon’ble Supreme Court in the matter of *Prem Nath Bali vs Reg., High Court Of Delhi & Anr* decided on 16.12.2015 as under:

*33) Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.*

Now, the submissions of the CPIO are not refuted that no timeline is specified in the CVC Act, 2003; however, the guidelines issued by CVC as discussed above does stipulate a time frame to all public authorities and these guidelines do not anywhere suggest indemnity to CVC itself from adhering to those timelines.

### **Decision**

Commission observes from the perusal of facts on record that as far as the reply provided on the RTI Application is concerned, no infirmity lies in the CPIO reply dated 12.10.2017 provided after the FAA’s order. CPIO should have provided the said reply on para (i) of the RTI Application in the first instance itself instead of providing a misleading and evasive reply as provided vide letter dated 22.08.2017.

CPIO is hereby warned to remain careful in future.

Further, keeping the aforesaid observations in view, this bench of the Commission reiterates the remarks of the coordinate bench (supra). A copy of this order is marked to the Secretary, Central Vigilance Commission to look into the aspect of inordinate delay in completing enquiry/investigation by CVC and take corrective action as deemed fit.

**With the above observation, the Complaint is disposed of accordingly.**

**Divya Prakash Sinha (दिव्य प्रकाश सिन्हा)**  
**Information Commissioner (सूचना आयुक्त)**

Authenticated true copy  
(अभिप्रमाणितसत्यापितप्रति)

Haro Prasad Sen (हरोप्रसादसेन)  
Dy. Registrar (उप-पंजीयक)  
011-26106140/ haro.sen@nic.in  
दिनांक / Date

**Copy to:**

**Secretary**

Central Vigilance Commission  
Satarkata Bhawan, GPO Complex,  
Block A, INA, New Delhi – 110023

**--(For taking note of the adverse observations as above)**