



सत्यमेव जयते



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

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सं./No.....014/VGL/061.....

दिनांक / Dated.....08.03.2021.....

Circular No. 02/03/21

Subject:- Second stage consultation with the CVC in disciplinary cases involving consultation with UPSC.

Reference:-

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

Central Vigilance Commission attaches utmost importance to timely finalization of disciplinary proceedings and has taken all possible steps to ensure that once the disciplinary proceedings are initiated against a government official, the same are taken to logical conclusion, after following due procedure, within the timeline prescribed under various guidelines issued by this Commission and Department of Personnel and Training. The importance of timely finalization of departmental proceedings has also been highlighted by Hon'ble Supreme Court of India in Civil Appeal No. 958 of 2010, Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr. in its judgment dated 06.12.2015.

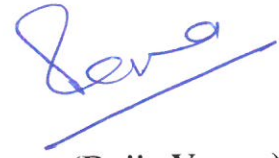
2. As per mandate given in Section 8(1)(g) of CVC Act 2003 and the laid down procedure, the authorities concerned are required to approach this Commission for advice at two stages, in respect of officers who are covered under the advisory jurisdiction of this Commission. However, in respect of officers of All India Services and other officers, wherein original order imposing any of the penalty is to be issued by the President, Union Public Service Commission is also required to be approached by the government, to decide about the quantum of penalty to be imposed on such officers.

3. Hence, with a view to avoid delay arising out of duality of authority, this Commission vide its Circular No. 17/12/12 dated 07.12.2012 had dispensed with the 2nd stage consultation with Central Vigilance Commission, in respect of those cases, where consultation with UPSC is also required, before deciding about the quantum of penalty. However, it has been observed that this step has not obtained the desired result. Considerable delay has been noted in finalization of disciplinary proceedings in those cases also, where the proceedings were initiated on the advice of Central Vigilance Commission, but 2nd stage consultation with UPSC was required and UPSC's advice was obtained by the authorities concerned.

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4. One of the reasons noticed for delay in such cases is that while approaching UPSC for advice about the quantum of penalty on the Charged Officer concerned, the fact that disciplinary proceedings were initiated on the advice of Central Vigilance Commission in that particular case, is not highlighted by the organizations.

5. Therefore, it is desired that the authorities concerned, at the time of approaching UPSC for advice, in respect of those cases, where this Commission's First Stage Advice was sought and obtained, must highlight the fact that the particular case was based on the First Stage Advice given by the Central Vigilance Commission, so that the cases receive due attention with the authorities in UPSC and its advice is tendered on priority basis. It may be done by superscribing the file cover of cases being referred to UPSC with the words "Vigilance Case" on a Red Sticker, similar to the process being followed in respect of important files pertaining to other urgent/time bound Parliamentary matters and Lok Sabha/Rajya Sabha questions etc.



(Rajiv Verma)
Officer on Special Duty

To,

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

Copy for information:-

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