S-No. 9 (PR).

PREVENTIVE VIGILANCE MATTER

Dy No - 73/Vigil
12/05/2011.

No. C-13011/34/2004-Vigilance
Government of India
Ministry of Human Resource Development
Department of Higher Education
Vigilance Wing

New Delhi, dated the 28th April, 2011

Subject : Sensitization about the consultation process of the Central Vigilance Commission and advice for clarity with regard to the disciplinary rules and authorities in disciplinary matters in respect of the faculty and employees of the various Autonomous Institutions, Councils and Universities etc.etc. - regarding

Vigilance Wing, had in 2007, advised all the Bureau Heads in the Ministry to ensure that there is clarity about the disciplinary rules and authorities in respect of the faculty and employees of the Universities and Institutes under their administrative control including Heads of such Universities/Institutes and corrective action, where necessary, may be taken. The advice was reiterated in 2008. Cases, however, continue to be received in the Vigilance Wing where the chargesheets are found to have been issued by an authority other than the disciplinary authority or under the rules which are contested by the charged officers. Cases have also come to notice where the Head of the Institution is found to be not governed by any set of disciplinary rules and when situation arises where action against such Head of the Institution becomes inescapable; the authorities find themselves in dilemma.

2. There have also been instances galore where the chargesheets are issued without seeking the first stage advice of the Central Vigilance Commission and there have also been cases where against the advice of the Commission for initiation of major penalty proceedings, chargesheets for minor penalty are issued. Even penalties are found to have been imposed suo moto by the disciplinary authorities without seeking second stage advice of the Central Vigilance Commission.

3. Central Vigilance Commission recently in one of the Vigilance matters has made the following observations:

> *"The Commission has noticed that the various educational institutions under the control of the Ministry of Human Resource Development including UGC are not fully aware of the consultation mechanism with the Commission and often take decisions in disciplinary matters without obtaining advice of the Commission or deviate from Commission's advices. The Ministry is therefore, advised to sensitise all such institutions about the consultation mechanism of the Commission"*

Contd...2/-

4. The aforesaid observation of the Commission may be communicated to all the Institutes, Councils, Universities under the administrative control of the Ministry for strict compliance in future. The issue with regard to the disciplinary rules and [illegible] authorities in respect of the faculty and employees of the Universities and Institutes under their administrative control including Heads of such Universities/Institutes may be revisited. Action taken in the matter may be advised to the Vigilance Wing by 15th May, 2011.

(Amit Khare)
Joint Secretary & CVO

All Bureau Heads in the Ministry

All Directors/DS in the Ministry

Central Vigilance Commission (Lila Chandran, Deputy Secretary), Satarkta Bhavan, GPO Complex, INA, New Delhi with reference to their Office Memorandum No.005/CON/EDN/013/122019 dated 15.03.2011.

Chairman, University Grants Commission.

Chairman, All India Council for Technical Education.

Chairman, National Council for Teacher Education

Copy for information to PSO to Secretary (HE)/ Secretary (School Education & Literacy)

(Amit Khare)
Joint Secretary & CVO