

No. 420/01/2012-AVD-IV
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi-110001.

Dated the 20th July, 2012.

OFFICE-MEMORANDUM

Subject:- Guidelines for checking delays in grant of sanction of prosecution – strict compliance thereof.

Attention is invited to this Department's O.M. Nos. 399/33/2006-AVD.III dated 06.11.2006 & 20.12.2006 and O.M. No. 372/19/2012-AVD.III dated 03.05.2012 on the subject cited above.

2. In a recent meeting taken by Secretary (Personnel) to review the cases for sanction of prosecution against public servants pending with various Ministries / Departments, the following issues emerged:-

(a) It was noted that in a significant no. of cases pertaining to banks and PSUs etc., the Disciplinary Authorities first decline the sanction and thereafter seek advice of CVC. This is in clear violation of DOP&T's instructions issued vide O.M. 399/33/2006-AVD.III dated 06.11.2006 wherein it is stipulated that the competent authority shall take a tentative view regarding the action to be taken and seek advice of CVC in the matter and on receipt of the advice from the CVC, the concerned Ministry / Department shall finalise its views. It is reiterated that before passing orders on requests for sanction for prosecution, the instructions issued by this Department are strictly adhered to.

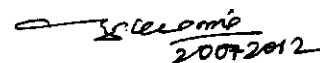
(b) It was also noticed that various Ministries / Departments do not adhere to the stipulated time limit. It is imperative that the stipulated time limit must be strictly adhered to. The guidelines issued by DOPT vide O.M. No. 399/33/2006-AVD-III dated 06.11.2006 & 20.12.2006, have recently been modified vide O.M. No. 372/19/2012-AVD.III dated 03.05,2012 to empower the disciplinary authority to take final view in such matters within three months and that in disagreement cases DOPT's advice would be taken into account before passing final orders.

(c) Protracted correspondence made by the Administrative Ministries with the CBI/CVC for clarifications/reconsideration, etc. are strictly not necessary and disciplinary authority can, in most cases, take a decision on the basis of records which are available with it. As per the extant instructions, the Disciplinary Authority should not entertain representations from individuals themselves as this would be an endless process which often delays the matter and results in non-adherence to the prescribed time lines for processing such cases. **This Department's instruction dated 6th November, 2006 has clearly stated that the concerned Ministry/Department shall refer the case to CVC for reconsideration only in exceptional cases when new facts come to light.**



(d) The administrative Departments should avoid making repeated references to the CVC for reconsideration of their advice and, in all cases where they propose to disagree with the advice given by CVC, the matter should be promptly referred to the DoP&T (as a disagreement case), seeking DoP&T's views in the matter.

(e) Wherever, the disagreement cases are referred to DoP&T for views/advice and once DoP&T gives its views, the Disciplinary Authority may have to take a considered final decision, keeping in view the advice given by DoP&T. The instructions contained in this Department's O.Ms dated 06.11.2006 and 20.12.2006, as modified O.M. dated 03.05.2012 in this regard shall be compiled with strictly by all Ministries/Departments.


2007-2012

(V.M. Rathnam)

Deputy Secretary(V-IV)

Tel.No. 23094637

1. All the Ministries / Departments of Government of India as per standard list.
2. Prime Minister's Office, South Block, New Delhi.
- ✓ 3. NIC, DoP&T for uploading on the website of the Department.

Copy to:

1. Secretary, Central Vigilance Commission, Satarkata Bhawan, New Delhi
2. Director, Central Bureau of Investigation, North Block, New Delhi
3. Others as per standard list.