

सं. / No.17(9)EO/2014-ACC

भारत सरकार

Government of India

मंत्रिमंडलीय नियुक्ति समिति का सचिवालय

Secretariat of the Appointments Committee of the Cabinet

कार्मिक एवं प्रशिक्षण विभाग

Department of Personnel & Training

स्थापना अधिकारी का कार्यालय

Office of the Establishment Officer

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नॉर्थ ब्लॉक, नई दिल्ली

North, Block, New Delhi

दिनांकित / Dated : 30.10.2014

कार्यालय ज्ञापन

OFFICE MEMORANDUM

**Subject:** Policy guidelines for Extension of tenure of Board level incumbents where vigilance clearance is not available.

As per extant policy, in case the initial term of 05 years of a Board-level appointee come to an end prior to his/her date of superannuation, extension of his/her tenure upto the date of superannuation is considered with the approval of the ACC subject to his/her being free from vigilance angle and meeting the prescribed performance parameters. In terms of existing instructions, services of any Board-level appointee cannot be terminated on completion of his initial term, if he/she is due for extension, without specific orders of the ACC. There are many cases, however, where vigilance clearance is not given in time by CVC/concerned administrative Ministry/Department due to complaints/inquiries pending against the concerned officer.

2. The issue of extension of tenure of Board level incumbents has been examined and with the approval of the ACC, it has been decided to henceforth follow the following procedure in this regard :-

- (I) As in the case of fresh appointments, in line with CVC's instructions dated 31.08.2004, no cognizance should be taken of any complaint which is received within 06 months prior to the terminal date of the approved tenure of Board-level appointees. This is imperative as it has been frequently observed that there is a spate of allegations and complaints against Board-level officials whose cases become due for extension of tenure.
- (II) The Department should take a conscious decision on whether to extend the term of a Board-level appointee at least one year in advance of the completion of his initial term so that adequate time is available for the Department to obtain CVC clearance.
- (III) Taking into account the vigilance status as on the date six months before the terminal date of initial appointment, the CVC may give its clearance within two months of receiving the reference in this

regard from the Administrative Ministry. This limit of two months will include time taken for back references, CBI references/inquiries, etc.

(IV) Even though complaints received after the cut-off date shall have no bearing upon the process of extension of tenure and would not prejudice the same, such complaints shall be dealt with as per the normal procedure. Disregarding such complaints received after the cut off date at the time of deciding upon extension of tenure may not be of any serious consequence as the appointment can always be terminated at a later date if the charges are substantiated on the basis of an inquiry.

(V) (a) In respect of the cases where CVC clearance has been delayed beyond the prescribed timelines, merely on account of procedural reasons, and where there is no denial of vigilance clearance, the case of extension could be processed without waiting any further.

(b) In respect of the cases where CVC clearance is awaited, and there are cases/complaints pending against the officer, the Ministry shall submit to ACC, a proposal for extension of tenure, at least two months prior to the officer's approved tenure with:

- (i) all available information in respect of the complaint;
- (ii) material received from/sent to CVC, including enquiry report, if any, of the CVO of the Ministry;
- (iii) the comments of the Ministry thereon.

3. All the Ministries/Departments are requested to strictly adhere to the time-line and procedural guidelines stipulated above for processing the proposals for extension of tenure of Board level appointees.

CA  
30/10/2014  
(Anand Madhukar)  
Director (ACC)  
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To

All the Secretaries in Ministries/Departments of the Government of India

Copy to:-

1. The Prime Minister's Office (Shri V. Sheshadri, Director) New Delhi.
2. Cabinet Secretariat (Ms. Nivedita Shukla Verma), New Delhi.
3. The Secretary, Central Vigilance Commission, New Delhi.
4. The Secretary, PESB, New Delhi.
5. NIC (DoP&T)-with request to upload the O.M. on the website of DoPT.
6. EO(ACC)- (30) copies.

CA  
30/10/2014  
(Anand Madhukar)  
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