

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No. 2019/V1/IRVM/1/2

28.09.20

The SDGMs/CVOs
All Zonal Railways/PUs

The CVOs
All PSUs

CORE/ALD,
Metro/Kolkata,
DG RDSO/LKO

CAO/COFMOW
DMW/Patiala

Sub.: Amendment No. 03- amendment in Para's 503.1, 504.4. Annexure 5.1, 525.10, 527.2, 602.4, 606.4, 607.8, 610.1, 615.2, 810.9, 810.10, 819.1 of IRVM-2018

Ministry of Railways (Railway Board) have decided to amend Indian Railway Vigilance Manual (2018 edition) by way of modification/addition/deletion. The changes made are enclosed for information and necessary action.

DA: As above


28.9.20

(Srinivas Malladi)

Director Vigilance Engg(I)
Railway Board

Copy to:- General Managers, All ZRs & PUs.
DG/RDSO, DG/HR, DG/RPF, DG/CTTIs
Secretary/RB & Board Members.

Amendment No. 03

Indian Railways Vigilance Manual-2018

Para 503.1 stands amended as:

503.1 Complaints received for investigation from the Central Vigilance Commission for investigation and report must be investigated on priority and in all cases the investigation reports should be sent to the Board within 8 weeks as time given for submission of Reports to CVC is 12 weeks. **In case, if it is not possible to complete the investigation and refer the matter to the Commission within three months, the CVO should seek extension of time stating specific reasons/constraints in each case, within 15 days of receipt of reference from the Commission. Such requests from the CVO should be submitted with the approval of the CRB & CEO of Indian Railways.**

Para 503.1 - Earlier:

503.1 Complaints received for investigation from the Central Vigilance Commission for investigation and report must be investigated on priority and in all cases the investigation reports should be sent to the Board within 8 weeks as time given for submission of Reports to CVC is 12 weeks. The Commission has advised that in case of undue delay in handling of such complaints, the Commission would invoke the provisions of Section 8 and 11 of the CVC Act and conduct inquiry on its own. In such cases the CVO would be required to come to the Commission along with documents and explain the reasons for the delay.

Para 504.4 stands amended as

504.4 Complaints received under PIDPI should be given the top most priority and investigations into such complaints should be completed within **eight weeks as time given for submission of Reports to CVC is 12 weeks. In case, if it is not possible to complete the investigation and refer the matter to the Commission within three months, the CVO should seek extension of time stating specific reasons/constraints in each case, within 15 days of receipt of reference from the Commission. Such requests from the CVO should be submitted with the approval of the CRB & CEO of Indian Railways.**

Para 504.4 - Earlier :

504.4 Complaints received under PIDPI should be given the top most priority and investigations into such complaints should be completed within three weeks and sent to Railway Board for enabling onward transmission to the Commission.

Para (i) & (ii) of Annexure 5.1 are merged and stand modified as:-

Time Limit for Investigation and Submission of Investigation Reports

	Type of complaints	Time Schedule
(i)	CVC referred complaints & PIDPI complaints	Investigation Report in the prescribed format must be sent to Railway Board within 2 months from the date of receipt of complaint for further processing of the case as Railway Board is required to send Report to CVC within 3 months.

Para 525.10 stands amended as:

525.10 Reports on Preventive checks: Based on source information, preventive checks are conducted by Zonal Railways/Production Units in the same manner as the investigation of complaints, except that the verification of genuineness of the complaint is not necessary. If a preventive check is conducted against non-gazetted officials, then the finalisation of the reports is within the competence of the SDGM/CVO of the Zonal Railways or Production Units. In case a preventive check is conducted against a gazetted officer and a questionnaire has been issued to him, i.e. a case has been registered, the preventive check report has to be forwarded to Railway Board, even if no irregularity is observed in the check and no one is held responsible. The closure of any preventive check against gazetted officers, where no action is warranted, is within the competence of CVO of Ministry of Railways i.e. PED (Vigilance).

Para 525.10 - Earlier:

Reports on Preventive checks: Based on source information, preventive checks are conducted by Zonal Railways/Production Units in the same manner as the investigation of complaints, except that the verification of genuineness of the complaint is not necessary. If a preventive check is conducted against non-gazetted officials, then the finalisation of the reports is within the competence of the SDGM/CVO of the Zonal Railways or Production Units. In case a preventive check is conducted against a gazetted officer and a questionnaire has been issued to him, i.e. a case has been registered, the preventive check report has to be forwarded to Railway Board, even if no irregularity is observed in the check and no one is held responsible. The closure of any preventive check against gazetted officers, where no action is warranted, is within the competence of CVO of Ministry of Railways i.e. PED (Vigilance). In case action is proposed against gazetted officers based on the preventive check reports, the case has to be referred to the CVC for their advice.

Para 527.2 stands amended as:

527.2 In major penalty cases, after completion of Inquiry, cases of disagreement between DA and CVC's first stage advice are required to be referred to CVC for second stage advice along with IO's report, provisional views of DA and Vigilance comments. Vigilance case is closed once DA imposes penalty in accordance with CVC's second stage advice and furnishes a copy of NIP to Vigilance for onward submission to CVC. However, if DA differs with CVC's second stage advice, **there is no scope for reconsideration.** DA can pass speaking orders and issue NIP. A copy of NIP along with reasons of disagreement is required to be sent to Board Vigilance for onward submission to CVC. CVC can include this case in its Annual report that is submitted to Parliament and can be discussed by Hon'ble MPs.

Para 527.2 - Earlier :

In major penalty cases, after completion of Inquiry, cases of disagreement between DA and CVC's first stage advice are required to be referred to CVC for second stage advice along with IO's report, provisional views of DA and Vigilance comments. Vigilance case is closed once DA imposes penalty in accordance with CVC's second stage advice and furnishes a copy of NIP to Vigilance for onward submission to CVC. However, if DA differs with CVC's second stage advice, and there are new or additional facts, then case may be referred to CVC for reconsideration along with reasons for disagreement by DA and Vigilance comments. If DA still differs with CVC's reconsidered advice, he can pass speaking orders and issue NIP. A copy of NIP along with reasons of disagreement is required to be sent to Board Vigilance for onward submission to CVC. CVC can include this case in its Annual report that is submitted to Parliament and can be discussed by Hon'ble MPs.

Para 602.4 stands amended as:

602.4 After the report is considered as per the above channel of submission and a course of action has been decided upon, the case is required to be referred to the Central Vigilance Commission for its first stage advice. The following are the exceptions to this provision, and in these cases the case need not be referred to the CVC for advice:

- (i) Cases where the highest level of officer against whom action is recommended is a Group 'B' officer upto the level of Senior Scale and there is no difference of opinion between DA & CVO.
- (ii) If it is concluded that the matter does not have a vigilance angle, and the views and recommendations of the PED/V Railways are in line with the views of the DA. (CVC Circular no 07/04/15 dated 27/4/2015 <http://www.cvc.nic.in/sites/default/files/015msc016.pdf>)

Para 602.4 - Earlier:

After the report is considered as per the above channel of submission and a course of action has been decided upon, the case is required to be referred to the Central Vigilance Commission for its first stage advice. The following are the exceptions to this provision, and in these cases the case need not be referred to the CVC for advice:

(i) Preventive check cases where no irregularity has been observed and no action is recommended against any Group 'A' officer.

(ii) Cases where the highest level of officer against whom action is recommended is a Group 'B' officer upto the level of Senior Scale and there is no difference of opinion between DA & CVO.

(iii) If it is concluded that the matter does not have a vigilance angle, and the views and recommendations of the PED/V Railways are in line with the views of the

DA. (CVC Circular no 07/04/15 dated 27/4/2015 <http://www.cvc.nic.in/sites/default/files/015msc016.pdf>)

Para 606.4 stands amended as:

606.4 It is stated that the Commission has decided that no proposal for reconsideration of the Commission's advice would be entertained unless new additional facts have come to light which would have the effect of altering the seriousness of the allegations/charges levelled against an officer. Such new facts should be substantiated by adequate evidence and should also be explained as to why the evidence was not considered earlier, while approaching the Commission for its advice. The proposal for reconsideration of **first stage advice**, if warranted, should be submitted at the earliest but within **one month** of receipt of the Commission's advice. The proposal should be submitted by the disciplinary authority or it should clearly indicate that the proposal has the approval of the disciplinary authority.

Para 606.4 - Earlier:

It is stated that the Commission has decided that no proposal for reconsideration of the Commission's advice would be entertained unless new additional facts have come to light which would have the effect of altering the seriousness of the allegations/charges levelled against an officer. Such new facts should be substantiated by adequate evidence and should also be explained as to why the evidence was not considered earlier, while approaching the Commission for its advice. The proposals for reconsideration of the advice, if warranted, should be submitted at the earliest but within two months of receipt of the Commission's advice. The proposals should be submitted by the disciplinary authority or it should clearly indicate that the proposal has the approval of the disciplinary authority.

Para 607.8 stands amended as:

607.8 After the inquiry findings are put up to the DA. There are two conditions now:

(i) DA is in agreement with CVC's advice

The DA takes action to implement CVC's advice.

(ii) DA proposes action which is contrary to CVC's advice

The entire case file is sent to Railway Board by Zonal Railway containing the IO's report, **DA's provisional views and Vigilance comments**. In case the DA disagrees with some findings of the IO, then he prepares a disagreement memo on aspects of such differences with the IO, mentioning reasons for it. In such cases,

the disagreement memo is also a part of the documents that arrive in the Board's office from Zonal Railway. These are scrutinized and commented upon by Board Vigilance. In case the concerned Member, Railway Board, is the DA of the official, then the Member's views are obtained on file. If the Member is not the DA, then his views are not taken. After this, the case is sent to CVC for its 2nd stage advice. CVC examines the entire case and gives its 2nd stage advice in the form of action to be taken against the charged official. The following alternatives are possible:

a) **CVC disagrees with DA's provisional view:** The case is put up to DA. If the DA at this stage agrees with CVC, then action is taken to implement CVC's advice. If the DA disagrees with CVC, **there is no scope for reconsideration.** DA will take a final decision, duly recording reasons for disagreement with the CVC's advice. Such cases of disagreement may be reflected in the Annual Report of the CVC, laid in the Parliament.

b) **CVC agrees with DA's provisional view:** In this scenario, the case is sent to Zonal Railway/ Board (as the case may be) for implementation of CVC's 2nd stage advice. In this case, the IO's report, along with disagreement memo, if any and CVC's advice, is conveyed to the charged official who is given an opportunity to represent against the IO's report and disagreement memo, if any. Then, the case is put up to DA for his final orders.

Para 607.8 - Earlier:

After the inquiry findings are put up to the DA, the DA takes an independent, provisional view (of closure/administrative action/minor or major penalty) after considering the IO's report, all relevant records and evidence. There are two conditions now:

(i) DA is in agreement with CVC's advice

The DA takes action to implement CVC's advice.

(ii) DA proposes action which is contrary to CVC's advice

The entire case file is sent to Railway Board by Zonal Railway containing the IO's report, Vigilance comments and DA's provisional view. In case the DA disagrees with some findings of the IO, then he prepares a disagreement memo on aspects of such differences with the IO, mentioning reasons for it. In such cases, the disagreement memo is also a part of the documents that arrive in the Board's office from Zonal Railway. These are scrutinized and commented upon by Board Vigilance. In case the concerned Member, Railway Board, is the DA of the official, then the Member's views are obtained on file. If the Member is not the DA, then his views are not taken. After this, the case is sent to CVC for its 2nd stage advice. CVC examines the entire case and gives its 2nd stage advice in the form of action to be taken against the charged official. The following alternatives are possible:

a) **CVC disagrees with DA's provisional view:** The case is put up to DA. If the DA at this stage agrees with CVC, then action is taken to implement CVC's advice. If the DA disagrees with CVC, then the case is sent back to CVC for reconsideration only if there are new additional facts to be considered by CVC. After CVC sends its reconsidered advice, it is again put up to DA for taking a final view.

b) **CVC agrees with DA's provisional view:** In this scenario, the case is sent to Zonal Railway/ Board (as the case may be) for implementation of CVC's 2nd stage advice. In this case, the IO's report, along with disagreement memo, if any and CVC's advice, is conveyed to the charged official who is given an opportunity to represent against the IO's report and disagreement memo, if any. Then, the case is put up to DA for his final orders. In case the DA agrees with CVC's 2nd stage advice, then he can issue the order as he deems fit to the charged official. If DA at this stage disagrees with CVC's advice, he can still issue the order of penalty to the charged official. Only if there are additional or new facts which can be put up for CVC's reconsideration then DA has to record a provisional order on file and the case is sent to CVC for reconsideration (Para 610 may be referred to).

Para 610.1 stands amended as:

610.1 As already indicated in paras 606.3, 606.4 and 607.8, the Commission may be consulted for **reconsideration of its 1st stage only**. The Commission entertains the reconsideration proposal only for one time at **first** stage and strictly when there are new facts which have not been considered by the Commission earlier.

Para 610.1 - Earlier:

As already indicated in paras 606.3, 606.4 and 607.8, the Commission may be consulted for reconsideration of its 1st stage or 2nd stage advice. The Commission entertains the reconsideration proposal only for one time at each stage and strictly when there are new facts which have not been considered by the Commission earlier.

Para 615.2 stands amended as:

615.2 Commission expects that all retirement cases should be received by the first week of the month of superannation of the officer(s) concerned. CVC would emphasize that all retirement cases for advice should be received in the Commission by 10th of every month by 5 PM. Further, if 10th is a holiday, by the next working day. It is thus advised that CVOs/SDGMs should ensure submission of cases of officer/official atleast two months before retirement for processing in Board Vigilance and obtaining advice of CVC.

Para 615.2 - Earlier:

Needless to say that cases of officers/staff on the verge of retirement should be accorded top priority and sent to Railway Board with adequate time available for processing in Railway Board and obtaining advice of CVC.

Para 810.9 & 810.10 stands amended as:

810.9 CO's representation is then called on IO's report and tentative disagreement memo of DA. CO's representation is then put up by 'P' Branch on DAR file to DA through SDGM for recording DA's findings and his decision. In case of DA's disagreement with CVC's 2nd stage advice, **there is no scope for reconsideration.**

810.10 If disagreement still persists between DA and CVC, DA may take a final view duly recording reasons for disagreement. This is taken as a case of disagreement between CVC and Ministry and CVC is advised about it. CVC may include the case in its Annual Report, which is placed on the floor of both Houses of Parliament and can be discussed by Hon'ble MPs.

Para 810.9 & 810.10 - Earlier:

810.9 CO's representation is then called on IO's report and tentative disagreement memo of DA. CO's representation is then put up by 'P' Branch on DAR file to DA through SDGM for recording DA's findings and his decision. In case of DA's disagreement with CVC's 2nd stage advice, DA's provisional views are recorded on vigilance file along with reasons for disagreement for reconsideration of CVC.

810.10 The reconsidered advice of CVC is finally put up by 'P' Branch through SDGM to DA for taking final view. If disagreement still persists between DA and CVC despite reconsideration, DA may take a final view duly recording reasons for disagreement. This is taken as a case of disagreement between CVC and Ministry and CVC is advised about it. CVC may include the case in its Annual Report, which is placed on the floor of both Houses of Parliament and can be discussed by Hon'ble MPs.

Para 819.1 of IRVM-2018 stands restored and amended as:

819.1 Posts which are classified as sensitive, warrant the rotation of officials as per extant instructions, list is at Annexure 8.1. **This list is not exhaustive and General Managers on their own may also treat any other post not mentioned in the list as "Sensitive" and inform Railway Board Vigilance.**