

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

IRVM
No. 2019/V1/1/2

New Delhi, Date: 04.10.2019

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.1- modification/addition/deletion in Paras
312.9, 312.10, 527, 527.3, 530, 607.8 and 802.3**

Ministry of Railways (Railway Board) have decided to amend Indian Railway Vigilance Manual (2018 edition) by way of modification/addition/Deletion as per Correction Slip No.1. The changes made are enclosed for information.

DA: As above


4.10.19

(Srinivas Malladi)
Director Vigilance Engg(I)
Railway Board

Issued
4/10/19

Amendment No.1

Indian Railway Vigilance Manual(2018 edition)

A) Para 312.9 and 312.10 are modified as follows:

312.9 In cases of Group 'B' officers and non-gazetted officials, in which authority other than the President is competent to sanction prosecution, that Authority shall within 15 days formulate its tentative views regarding the action to be taken. No consultation with CVC is required if the competent authority agrees with CBI for granting sanction for prosecution. However, if the competent authority does not propose to accord sanction, then it is necessary to consult CVC. In these cases, comments have to be furnished by Railway Board to CVC, for which Zonal Railways have to send their comments to Railway Board within 15 days so as to process the case to CVC. **If CVC has recommended grant of sanction and the competent authority proposes not to grant sanction, the case should be referred to DoPT for final decision.**

312.10 In case the Competent Authority for sanction of prosecution is the President, the CVC will advise the Ministry/Department and after considering the advice of CVC, that Authority will take a decision as to whether or not the prosecution should be sanctioned. In case the authority decides to sanction prosecution, then it issues a Speaking Order in this regard, the layout of which has been standardized and communicated to all Vigilance Wings of the Ministry of Railways vide letter No.97/V-1/VP/1/2 Pt.A dated 17.12.2003. This is detailed in Annexure 3.1 to this chapter. **In case the competent authority proposes not to accept CVC's advice of either grant or decline of sanction of prosecution, then the case should be referred to the Department of Personnel & Training (DOPT) for final decision.** Where two or more Government servants belonging to different Ministries/Departments or under the control of different cadre controlling authorities are involved, the CBI will seek sanction from the respective Ministries/Departments or the respective competent authorities in accordance with the procedure laid down in the above paragraphs. **Where sanction is granted in the case of one of the Govt. servants but sanction is refused in the case of the other or others, the CBI will refer the case to DoPT for resolution of the conflict, if any, for final decision. In this regard, the DoPT OM No.372/6/2017-AVD-III dated 01.03.2019 shall be referred as detailed in Annexure 3.2 to this chapter.**

B) Para 521.2(ii) is modified as follows:

In case, SDGM/CVO arrives at an opinion that the case involves Vigilance Angle, SDGM should record such views and then refer the case to the PHOD(s) concerned for his/their reasoned views on the existence of vigilance angle. The PHOD may, if required, consult DRM/CWM etc. However, in the interest of ensuring that the vigilance investigation is not delayed and processed as expeditiously as possible, it is

important that the PHOD(s) concerned give his/their views within a period of 14 days. If this is not done, the case may be withdrawn from PHOD(s) and processed further without the views of the PHOD(s). It is also important that the PHOD(s) concerned maintain the requisite confidentiality in the matter so that the reputation of the officer, identity of complainant and critical issues requiring investigation are not adversely affected or compromised. **If PHOD does not agree with SDGM regarding presence of vigilance angle duly bringing new facts and incase SDGM agrees with PHOD, such cases should be sent to Railway Board for information of PED/Vig.**

C) The title of para 527 shall be read as

527. Composite cases involving Group 'C' or 'B' along with Group A officers (Also called composite CVC cases)

D) Para 527.3 stands deleted.

E) A new Para 530 is added after Para 529 and reads as

530 Vigilance comments

Vigilance comments are to be offered only when the case is processed for seeking first stage advice/second stage advice (in case DA is in disagreement with first stage advice)/reconsidered advice/when DA/AA/RA specifically desires from vigilance for appreciating the case in an objective manner.

F) The part of para 607.8 shall be read as:-

Now:

607.8 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:

Earlier:

607.8 After the inquiry findings are put up to the DA, along with Vigilance comments thereupon. 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, as also the Vigilance comments. There are two conditions now:

G) A new para 802.3 after 802.2 shall be inserted as:-

802.3 Any correspondence made between Secretary Branch/Establishment branch of Railway Board and Personal Branch of Zonal Railways pertaining to DAR/CBI prosecution cases, arising out of vigilance investigation, a copy shall be marked to SDGM of the concerned Railway as well as Railway Board Vigilance for further follow up so as to reduce undue delays.

No. 372/6/2017-AVD-III

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel and Training

North Block, New Delhi

Dated 1st March, 2019

OFFICE MEMORANDUM

Subject: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution - regarding

In supersession of this Department's OM No. 134/2/85-AVD-I dated 15/17-10-1986, the following guidelines are laid down for strict compliance while dealing with disagreement between the Disciplinary Authority (DA) and the Central Vigilance Commission (CVC) in cases of granting Sanction for Prosecution.

2. The work relating to according of Central Government's sanction for the prosecution of any person in a case investigated by the Central Bureau of Investigation (CBI) which was centralised in the Department of Personnel and Training, has since been decentralised and vested in the Ministry/Department concerned vide Cabinet Secretariat's Notification No. CD-826/86, dated the 30th September, 1986.

2.1 The CBI recommends prosecution of persons only in those cases in which they find sufficient justification for the same as a result of the investigation conducted by them. There are adequate internal controls within CBI to ensure that a recommendation to prosecute is taken only after a very careful examination of all the facts and circumstances of the case. Hence, any decision not to accord sanction for prosecution in such cases should, therefore, be for very valid reasons.

2.2 The following guidelines may be kept in view while dealing with cases of sanction of prosecution:

- (i) In cases in which sanction for prosecution is required to be accorded in the name of the President, the CVC will advise the Ministry/Department concerned and it would be for that Ministry/Department to consider the advice of the CVC and to take a decision as to whether or not the prosecution should be sanctioned;
- (ii) In cases in which an authority other than the President is competent to sanction prosecution, and that authority does not propose to accord such sanction, it is required to report the case to the CVC and take further action after considering the CVC's advice, vide para 2(vi)(b) of the Government Resolution by which the CVC was set up and the CVC's letter No. 9/1/64-DP dated 13th April, 1984;

Contd...2/-

(2)

- (iii) In a case falling under (i) above, if the CVC advises grant of sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice, the case should be referred to this Department for final decision;
- (iv) In a case falling under (i) above, if the CVC declines sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice and proposes to grant sanction for prosecution, the case should be referred to this Department for a final decision.
- (v) In a case falling under (ii) above, if the CBI has sought sanction for prosecution and the CVC has recommended grant of sanction, and yet the competent authority proposes not to grant sanction, the case should be referred to this Department for final decision;
- (vi) Where two or more Government servants belonging to different Ministries/Departments, or under the control of different cadre controlling authorities are involved, the CBI will seek sanction from the respective Ministries/Departments or the respective competent authorities in accordance with the procedure laid down in the above paragraphs. Where sanction is granted in the case of one of the Govt. servants but sanction is refused in the case of the other or others, the CBI will refer the case to this Department for resolution of the conflict, if any, for final decision.
3. This issues with the approval of Competent Authority.


(Manmeet Kaur)

Under Secretary to the Govt. of India
Tel No. 2309 4541

To:

1. All Ministries/Departments of the Government of India as per standard list
2. Prime Minister's Office, South Block, New Delhi
3. NIC, DoPT for uploading on the website of this Department

Copy to:

1. Secretary, CVC, Satarkta Bhawan, New Delhi
2. Director, CBI, North Block, New Delhi
3. Other as per standard list.

