

No.000/DSP/1
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block "A"
GPO Complex, INA,
New Delhi – 110023
Dated the 10th February 2003

To

All Chief Vigilance Officers.

Subject:- Non-acceptance of the Commission's advice in the matter of appeals.

The Commission tenders its second stage advice before the DA decides on the outcome of the inquiry in the case of major penalty or takes a view on the minor penalty proceedings after receipt of the explanation of the charged official. Sometimes after imposition of the punishment by the disciplinary authority, the charged official makes an appeal. The Appellate Authority is expected to keep the advice tendered by the Commission and decide on the appeal. In case the Appellate Authority decides to deviate from the advice given by the Commission on appeal, the CVO will report this to the Commission which will take an appropriate view whether the deviation is serious enough to be included in its Annual Report.

2. The Commission further wishes to stress that reconsideration of advice will be only in exceptional cases at the specific request of the DA, before a decision is taken by it to impose the punishment or otherwise. After a decision has been taken by DA or the Appellate Authority the Commission will not entertain any reconsideration proposal. Such cases will be treated only as "deviation" from and non-acceptance of Commission's advice.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Telefax : 24651010