OFFICE MEMORANDUM

Subject: Guidelines for processing proposals for appointment to Board level posts in Central Public Sector Enterprises (CPSEs).

Attention of all Ministries/Departments is invited to Secretary, PESB’s D.O. letter No. 13/07/2010-PESB dated 13.05.2011 vide which detailed guidelines for appointment/extension/confirmation to the Board level posts were circulated. Consolidated guidelines to be followed in this regard are also available on this Department’s website www.persmin.nic.in (O.M. & Orders → Establishment Officer → S.No.10 - Guidelines for processing cases of Board level appointments in Central Public Sector Enterprises).

2. It has been observed that the timelines prescribed for processing the proposals for appointments to Board level posts in CPSEs are not being adhered to. The resultant delay in filling up the Board level vacancies has been a matter of serious concern for the Government. In order to address this issue effectively, the following timelines are hereby issued for information and strict compliance:

<table>
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<tr>
<th>Event</th>
<th>PESB</th>
<th>Ministry</th>
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<tbody>
<tr>
<td>Initiate selection process 1 year prior to date of vacancy; send recommendations to Ministry 6 months before date of vacancy.</td>
<td>PESB</td>
<td>Ministry</td>
</tr>
<tr>
<td>6 months prior to scheduled expiry of tenure</td>
<td>PESB</td>
<td>Ministry</td>
</tr>
<tr>
<td>PESB will complete the selection process and send its recommendations to the Ministry at least 6 months prior to the date of vacancy.</td>
<td>Ministry</td>
<td>Forward vigilance profile to CVC within 10 days from the receipt of PESB recommendation.</td>
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CVC will complete the Vigilance clearance process within two months from the date of receipt of the vigilance profile of the selected candidate from the Ministry and send it to the Ministry. This period of two months will include consultation with CBI/CBI clearance, reference to the CVO of the Ministry for any report, clarifications, etc.

<table>
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<tr>
<th>CVC</th>
<th>60 days</th>
<th>Vigilance clearance or denial including consultation with CBI</th>
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<tr>
<td>MINISTRY</td>
<td>10 days</td>
<td>Will forward with Minister’s approval</td>
</tr>
<tr>
<td>ACC</td>
<td>6 Weeks</td>
<td>Decision</td>
</tr>
</tbody>
</table>

The Ministry concerned will, with the approval of the Minister, forward the proposal to ACC Secretariat (E.O.) within the next 10 days.

The ACC will thereafter take a decision on the proposal within six weeks of its receipt by the ACC Secretariat.

3. The Establishment Officer will monitor compliance of the above time-line and bring any abnormal and unexpected delay to the notice of the Cabinet Secretariat. To facilitate monitoring of proposals at every stage, all Ministries/Departments shall upload and update the data filled in AVMS on real time basis so that effective monitoring can be done.

4. It is further noted that appointments are getting considerably delayed in cases where vigilance clearance is neither denied nor given but is awaited. In order to avoid delays on account of non-receipt of vigilance clearance, the following guidelines are hereby issued:

(a) The instructions contained in DoPT’s O.M. No. 104/76/2011-AVD.1 dated 18.10.2013 regarding handling of pseudonymous/anonymous complaints should be strictly adhered to at all levels. Further as per CVC’s instructions issued vide Office Order No.57/8/04 dated 31.08.2004, no cognizance should be taken of any complaint received within six months prior to the initiation of the selection process. For this purpose, the date of interview held by the PESB would be the crucial date, six months prior to which no cognizance would be taken of complaints received against the selected candidates. Such complaints therefore should not have any bearing on the ACC process and would not prejudice the same. Such complaints should however be dealt separately and necessary action be taken in the event of any adverse conclusion even after the appointment is made.

(b) In case vigilance clearance is not denied by CVC within the two months period stipulated above (which would include consultation with CBI/CBI clearance, reference to the CVO of the Ministry for any report, clarification etc), the Ministries shall proceed with the appointment process, without waiting any further.
(ii) While submitting such proposals for the consideration of ACC, the Ministry shall provide the complete details of cases/complaints, if any, pending against the selected candidate and their specific views regarding the gravity of the allegations and the culpability of the concerned candidate. While the Ministry may not have much difficulty in processing the proposal when selected candidate is from an organisation under the control of the same Department, some advance action would be required when the candidate is coming from outside. For this purpose, the Ministry shall obtain the complete vigilance profile of the candidate from the concerned Ministry/Department to which the selected candidate belongs as soon as the PESB recommendation is received by them. The Ministry shall also obtain complete details of the cases/complaints, if any, which are pending for enquiry and the concerned Department’s views thereon.

5. The timelines currently prescribed for processing ACC proposals and the existing instructions regarding vigilance clearance shall accordingly stand modified to the extent stipulated above.

6. This issues with the approval of the Competent Authority.

(B. P. Sharma)
Establishment Officer & Additional Secretary
\[23092370\]

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.

\[22.10.2014\]
(Virender Singh)
Under Secretary to the Government of India
\[23093671\]
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.

(Anand Madhukar)
Director (ACC)
☎: 23092272

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.
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4. The Secretary, PESB, New Delhi.
5. NIC (DoP&T)-with request to upload the O.M. on the website of DoPT.
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(Anand Madhukar)
Director (ACC)
☎: 23092272