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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
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सं./No.....021-VGL-036.....

दिनांक / Dated.....23.06.2021.....

Circular No. 10/06/21

Subject:- Reporting of cases of deviations from the Central Vigilance Commission's advice-reg.

Reference:- (i) DoPT's OM No. 118/2/78-AVD(I) dated 28.09.1978
(ii) DoPT's OM No. 119/2/2019-AVD-III dated 02.09.2019

Central Vigilance Commission, in accordance with the provisions contained under Section 8(1) (g) of CVC Act, 2003, tenders advice to the organisation concerned on matters referred to it.

2. In respect of those cases where Commission's advice has been obtained by the organizations concerned, the competent authority is required to proceed further in the matter, in accordance with the advice tendered by the Commission. However, there are occasions when the Disciplinary Authority concerned takes a view which is different from the advice tendered by the Commission in a particular case. All cases of disagreement/deviation from the Commission's advice are presently reported by the Chief Vigilance Officers concerned in Para 5(C) of Quarterly Performance Report (QPR) being submitted online by the CVOs, under the head "Non-Acceptance/Deviation of CVC advice".

3. Department of Personnel and Training (DoPT), vide their O.M. dated 29.09.1978, reiterated vide O.M. dated 02.09.2019 (as referred to above) has issued guidelines, providing for consultation with DoPT regarding those cases where the authorities concerned propose to disagree with the advice of the Commission, in respect of officers for whom the appointing authority is the President. No such procedure has been defined in respect of Non-Presidential Appointees.

4. In respect of officers belonging to Ministry of Railways/Railway Board, separate instructions have been issued by DoPT, vide their O.M. No. 119/16/2014-AVD-III (Pt.) dated 05.02.2016, defining procedure for handling cases of disagreement/deviation from

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Commission's advice. Later on, DoPT, vide their O.M. No. 23/34/2018-EO (ACC) dated 02.08.2019, constituted a committee to revisit the existing instructions relating to the settlement of cases of disagreement between Ministry of Railways/Railway Board and Central Vigilance Commission. The report of the committee is awaited. During the pendency of the report of the committee, a system of reporting of cases of disagreement/deviation from Commission's advice, to the Commission through the Chairman and CEO, Railway Board has been adopted by Ministry of Railways/Railway Board.

5. The Commission has directed that for the sake of uniformity, all such cases of disagreement/deviation from Commission's advice (in respect of Non-Presidential Appointees), which, presently are not being referred to DoPT by the authorities concerned, shall be reported by the CVOs of the Ministry/Department concerned to the Secretary of that Ministry/Department.

6. In respect of Central Public Sector Enterprises/Public Sector Banks/Insurance Companies/Financial Institutions and other organisations, such cases of disagreement/deviation from Commission's advice, in respect of Non-Presidential Appointees, shall be reported to the CVO of the administrative ministry/department concerned, through the Chief Executive of the organisation. The CVO of the administrative ministry shall put up all such cases to the Secretary of the administrative ministry/department concerned. A confirmation in this regard shall be sent to the Commission by the CVO of the administrative ministry/department.

7. All actions regarding reporting of cases of disagreement/deviation from Commission's advice in respect of Non-Presidential Appointees, to the Secretary of the administrative ministry/department should be completed within a period of two months from the date of issue of orders by the Disciplinary Authority concerned.

8. The above instructions may be noted for strict compliance.



(Rajiv Verma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC
- (v) The Secretary, DoPT, with reference to Para (4), to request to inform the status of the report of the Committee.