

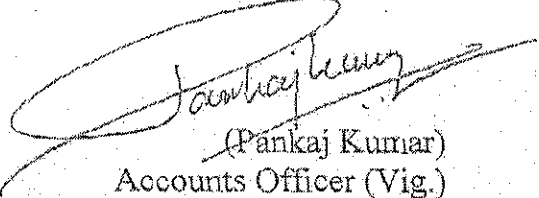
No. C-11021/45/15/CGA/CVO/Misc/1518  
GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
DEPARTMENT OF EXPENDITURE  
CONTROLLER GENERAL OF ACCOUNTS  
7<sup>TH</sup> FLOOR, LOK NAYAK BHAVAN  
KHAN MARKET  
NEW DELHI

Dated: 4<sup>th</sup> February, 2016

Subject: Timely completion of disciplinary proceedings/departamental inquiry proceedings – improving vigilance administrations

Kindly find enclosed herewith CVC circular No. 000-VGL – 18 dated 18<sup>th</sup> January, 2016 on the subject cited above. It is requested that the guidelines contained in this circular may be strictly adhered to.

2. This issues with the approval of Jt. CGA & CVO.

  
(Pankaj Kumar)  
Accounts Officer (Vig.)

Encl. As Above

To

All Pr. CCAs/CCAs/CAs

*Sr. AO (ITD) for website.*



सत्यमेव जयते

## केन्द्रीय सतर्कता आयोग

CENTRAL VIGILANCE COMMISSION



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सं./No. 000-VGL-18

दिनांक / Dated 18.01.2016

Circular No. 02/01/2016

**Subject:** Timely completion of disciplinary proceedings/departmental inquiry proceedings—improving vigilance administration.

- Ref:**
- (i) Commission's Circular No. 8(1)(g)/99(2) dated 19.02.1999
  - (ii) Commission's Circular No. 8(1)(g)/99(3) dated 03.03.1999
  - (iii) Commission's Circular No. 3(v)/99(7) dated 06.09.1999
  - (iv) Commission's Circular No. 000/VGL/18 dated 23.05.2000
  - (v) Commission's Office Order No. 51/08/2004 dated 10.08.2004

The Commission has noted with serious concern that the administrative authorities are not adhering to the time-schedules prescribed for completion of disciplinary proceedings. In a recent study conducted by the Commission, it has been noticed that while the average time taken by the administrative authorities in finalisation of disciplinary proceedings is more than 2 years, the maximum time taken in a particular case was eight (8) years and at least in 22% cases the inquiry took more than two years. The Commission vide its Circular No. 8(1)(g)/99(3) dated 03.03.1999 and No. 000/VGL/18 dated 23.05.2000 has laid down the time limits for various stages of disciplinary proceedings right from the stage of investigation to finalisation of the disciplinary case. The time-limit for completion of departmental inquiry is six months from the date of appointment of the IO. Thus, it appears that this time limit is not being adhered to by a majority of the Departments/Organisations. Such long delays not only are unjust to officials who may be ultimately acquitted, but help the guilty evade punitive action for long periods. Further, they have an adverse impact on others who believe that "nothing will happen". The Commission has been emphasising from time to time on the need for expeditious completion of disciplinary proceedings.

2. Recently, the Hon'ble Supreme Court in its judgment dated 16.12.2015 in Civil Appeal No. 958 of 2010 Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr has viewed the delay in handling of disciplinary cases adversely. The Hon'ble Supreme Court while allowing the said appeal in favour of the Appellant Employee has observed as follows:

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29. One cannot dispute in this case that the suspension period was unduly long. We also find that the delay in completion of the departmental proceedings was not wholly attributable to the appellant but it was equally attributable to the respondents as well. Due to such unreasonable delay, the appellant naturally suffered a lot because he and his family had to survive only on suspension allowance for a long period of 9 years.

30. We are constrained to observe as to why the departmental proceeding, which involved only one charge and that too uncomplicated, have taken more than 9 years to conclude the departmental inquiry. No justification was forthcoming from the respondents' side to explain the undue delay in completion of the departmental inquiry except to throw blame on the appellant's conduct which we feel, was not fully justified.

31. Time and again, this Court has emphasized that it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is placed under suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

32. As a matter of experience, we often notice that after completion of the inquiry, the issue involved therein does not come to an end because if the findings of the inquiry proceedings have gone against the delinquent employee, he invariably pursues the issue in Court to ventilate his grievance, which again consumes time for its final conclusion.

33. Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year."

3. The Commission has observed that a number of factors contribute to the delay in the conduct of departmental inquiries and with prudent management this needs to be checked. The departmental inquiry is often delayed due to laxity on the part of IO, lack of monitoring by DA & CVO, non-availability of listed or additional documents, delay in inspection of original or certified documents, frequent adjournments, non-attendance of witnesses, especially private witnesses, faulty charge-sheets and frequent change of IO/PO and non-monitoring of progress of inquiry. The Commission suggests that the following steps may be ensured and complied strictly by the IOs/administrative authorities:

- (i) In cases where investigation has been conducted by the CBI/ other investigating agency and the documents have been seized by them for prosecution in courts and RDA is also contemplated, it is the responsibility of the CVO/DA to procure from the CBI/investigating agency legible certified copies of seized documents required for RDA. In cases investigated by CVOs it must be ensured that certified legible photocopies of all documents are made available at the time of preparation of draft charge-sheet itself.

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4. The suggested time limits for conducting departmental inquiries prescribed by the Commission for various stages is annexed for ready reference. Timely completion of departmental inquiry/departmental proceedings is the prime responsibility of the Disciplinary Authority. Therefore, the disciplinary authorities in each Ministry/Department/Organisation may regularly monitor the progress of inquiry on regular basis and ensure that the inquiry/departmental proceedings are completed within the time-limit prescribed as laid down by Hon'ble Supreme Court in the above cited case. The CVO concerned would assist the disciplinary authority in monitoring the progress of departmental proceedings. The Commission may recommend adverse action against the concerned disciplinary/administrative authority who is found responsible for any unexplained delay observed in any case. In appropriate cases wherein the IO delays the proceedings, DA may not hesitate to take necessary and appropriate action against the IO.

  
(J. Vinod Kumar)  
Director

To

- (i) The Secretaries of all Ministries/Departments of Govt
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies/etc.
- (iii) All CVOs of Ministries/Departments of Govt/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies/ etc.
- (iv) Website of CVC

Copy to:

Department of Personnel & Training [Shri Jishnu Barua, Joint Secretary (S&V2) & CVO], North Block, New Delhi-110001 for information and necessary action.

Model Time Limit for Departmental Inquiries as laid down in Circular No. 8(1)(g)99(3) dated 03.03.1999

Stage of Departmental Inquiry	Time Limit prescribed
<ul style="list-style-type: none"><li>Fixing date of Preliminary Hearing and inspection of listed documents, submission of Defence documents/witnesses and nomination of a Defence Assistant (DA) (if not already nominated)</li></ul>	Within four weeks
<ul style="list-style-type: none"><li>Inspection of relied upon documents/submission of list of DWs/Defence documents/Examination of relevancy of Defence documents/DWs, procuring of additional documents and submission of certificates confirming inspection of additional documents by CO/DA</li><li>Issue of summons to the witnesses, fixing the date of Regular Hearing and arrangement for participation of witnesses in the Regular Hearing</li><li>Regular Hearing on Day to Day basis</li></ul>	3 months
<ul style="list-style-type: none"><li>Submission of Written Brief by PO to CO/IO</li></ul>	15 days
<ul style="list-style-type: none"><li>Submission of Written Brief by CO to IO</li></ul>	15 days
<ul style="list-style-type: none"><li>Submission of Inquiry Report from the date of receipt of written Brief by PO/CO</li></ul>	30 days

NB: If the above schedule is not consistent /in conflict with the existing rules/ regulations of any organisation, the outer time limit of six months for completing the Departmental Inquiries should be strictly adhered to.