

26/10/12

RBV No.06/2012

**GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RAILWAY BOARD**

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No. 2012/V-1/Meet/5/2

New Delhi, dated, Oct 18, 2012

**The General Managers**

CR, ER, ECR, ECOR, NR, NCR,  
NER, NFR, NWR, SR, SCR, SER,  
SECR, SWR, WR, WCR, CLW,  
DLW, ICF, RCF, RWF, CORE,  
METRO & NFR(Constn.)

**The Directors,**

IRICEN, IRISSET, IRITM, IRIEEN  
& IRIMEE

**Chief Administrative Officers**

DLMW & COFMOW

**Managing Directors**

rites, IRCON, KRCL,  
CONCOR, IRFC, MRVC, RCTC,  
RAILTEL, CRIS, RVNL and  
IRWO

**Director General**

RDSO and RSC

**Others**

CCRS/LKO

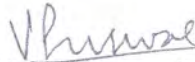
Sub: **Procedure for dealing with DAR cases against Group 'C' and 'D' staff arising out of vigilance investigation**

Ref: **Board's letter No.2006/V-1/Meet/6/1 dated 19.7.2006 & letter No.2010/V-1/Meet/5/1 dated 11.08.2011**

It has come to the notice of Railway Board that there is inordinate delay in finalization of DAR cases of Group 'C' and 'D' staff because instructions issued vide letter of even no. dated 19.07.2006 and letter No.2010/V-1/Meet/5/1 dated 11.08.2011 are not being followed strictly. The subject also came up for discussion during the meeting held by Adviser (Vigilance) with the Federation (AIRF & NFIR) on 21.06.2012 in connection with DC/JCM Item No.1/2011. During the meeting, it was informed that even when penalty proposed by DA (i.e. Minor/Major) is same as recommended by Vigilance, cases are being referred to Vigilance for prior consultation. It was also informed that when an appellate authority decides to reduce the penalty within the ambit of type of parameters (Major or Minor), Vigilance Wing is being consulted in certain Railways.

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In this regard, it is once again reiterated that the existing instructions for dealing with Group 'C' and 'D' staff arising out of vigilance investigations issued vide letters dated 19.07.2006 and 11.08.2011 (copies enclosed) be followed strictly. Further, Advance Correction Slip Nos. RBV No.09/2010, RBV No.10.2011 and RBV No.11/2010 issued to Board's letter dated 19.7.2006 (RBV No.13/2006) are also enclosed for strict compliance.

  
**(Vikas Purwar)**  
**Director Vigilance (M)**  
**Railway Board**

**Copy to:-** AIRF, NFIR, IRPOF, FROA & AIRPFA – for information, please.  
This is w.r.t. Board's letter No.2006/V-1/Meet/6/1 dated 01.10.2012

**Government of India  
Ministry of Railways  
Railway Board**

No. 2009/V-1/CVC/1/14

New Delhi, dated March 17, 2010

**(I) The General Manager (Vigilance)**

CR, ER, ECR, ECoR,  
NR, NCR, NER, NFR, NWR,  
SR, SCR, SER, SECR, SWR,  
WR, WCR and CORE,

**(II) Chief Vigilance Officers (CVOs)**

CLW, DLMW, DLW, ICF, RCF, RWF,  
CORE, METRO, RDSO, CONCOR, IRCON,  
IRCTC, IRFC, KRCL, MRVC, RAILTEL, RITES,  
RVNL, RLDA & DFCCIL.

**Sub: Advance Correction Slip No.9**

Ministry of Railways (Railway Board) in consultation with the Central Vigilance Commission have decided to modify the existing para 513.3 to the Indian Railways Vigilance Manual (2006 Edition), specifying the procedure for seeking second stage advice in respect of major penalty cases involving Group 'C' and 'D' employees in CVC composite cases, as per the enclosed Advance Correction Slip No.9

Para 2.2.2 of Board's letter No.2006/V-1/Meet/6/1 dated 19.7.2006 may be superceded to read as above.

DA/As above.

**(Vikas Purwar)**  
**Director Vigilance (M)**  
**Railway Board**

**Copy to :-** i) All Officers and the Branches of Vigilance Directorate.

- ii) Central Vigilance Commission w.r.t their OM No. 009/VGL/056/72484 dated 21.1.2010

ADVANCE CORRECTION SLIP NO.9

Modification in Chapter-V of Indian Railways Vigilance Manual  
(2006 Edition)

Para 513.3, specifying the procedure for seeking second stage advice in respect of major penalty cases involving Group 'C' and 'D' employees in CVC composite cases may be modified as under:-

**Existing Para 513.3 shall be replaced as follows:-**

In composite vigilance cases where the Commission had tendered its first stage advice for all categories of officers, reference to the Commission for second stage advice should be restricted only to those officers falling under the Commission's jurisdiction (Group 'A' Officers). In case of officers/officials other than those in Group 'A' the case should be referred to the Commission for second stage advice, **only** if there is a difference of opinion between the Commission and the DA.

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**Government of India  
Ministry of Railways  
Railway Board**

**No. 2010/V-1/Meet/5/1**

**New Delhi, dated August, 11<sup>th</sup> 2011**

**The General Managers (Vigilance)**  
Zonal Railways

**Chief Vigilance Officers**  
PSUs/PUs/RDSO/METRO/CORE/RSC

**Sub: Procedure to be followed in cases involving Group 'C' & 'D' employees investigated by Board Vigilance.**

Ministry of Railways (Railway Board) have decided to slightly modify para 2.1.5 of Board letter No.2006/V-1/Meet/6/1 dated 19.7.2006 by adding a new sub para below para 2.1.5. The amended para will be read as follows:

2.1.5: Procedure as described in paras 2.1.1 to 2.1.4 would also be applicable for the cases investigated by Board(Vigilance). However, in cases of disagreement of DA/Appellate Authority/RA, Zonal Railway Vigilance has to send case to Board Vigilance along with their comments for consultation.

It has been further decided that cases involving Group 'C' and 'D' employees investigated by Board Vigilance need not be referred to Railway Board for second stage advice, if the proposed penalty is in line with Board's first stage advice. The adequacy of punishment in such cases will also be assessed by respective Zonal Railways. Details of the final outcome of the case may be sent to Board for information. However, if there is a difference of opinion between the Board Vigilance and the DA, the same should be referred to Board for advice.

**(Vikas Purwar)**  
**Director Vigilance (M)**  
**Railway Board**

- Copy to :-**
- i) All Officers and the Branches of Vigilance Directorate. (RBV No.10/2011 issued as ACS No.14 circulated vide Board's letter of even number dated 11.8.11 may please be treated as withdrawn)**
  - ii) AIRF, NFIR, IRPOF, FROA & AIRPFA
  - iii) Hon'ble MR, MSR(M) & MSR(B)
  - iv) DME/C&IS/RB for uploading this letter on the website. (<http://10.1.10.21/railnet/deptts/vigilance/Home.htm>)

**Government of India  
Ministry of Railways  
Railway Board**

No. 2009/V-1/CVC/1/14

New Delhi, dated 15<sup>th</sup> July, 2010

**(I) The General Manager (Vigilance)**

CR, ER, ECR, ECoR,  
NR, NCR, NER, NFR, NWR,  
SR, SCR, SER, SECR, SWR,  
WR, WCR and CORE,

**(II) Chief Vigilance Officers (CVOs)**

CLW, DLMW, DLW, ICF, RCF, RWF,  
CORE, METRO, RDSO, CONCOR, IRCON,  
IRCTC, IRFC, KRCL, MRVC, RAILTEL, RITES,  
RVNL, RLDA & DFCCIL.

**Sub:** Procedure for dealing with cases involving Group 'C' and 'D' employees in CVC composite cases (**Advance Correction Slip No.11**)

Ministry of Railways (Railway Board) have decided to add a new para 513.4 below the modified para 513.3 to the Indian Railways Vigilance Manual (2006 Edition) specifying the procedure for seeking second stage advice in respect of major penalty cases involving Group 'C' and 'D' employees in CVC composite cases, as per the enclosed Advance Correction Slip No.11

Para 2.3.1 of Board's letter No.2006/V-1/Meet/6/1 dated 19.7.2006 may be superceded to read as in the ACS No.11.

DA/As above.

**(Vikas Purwar)**  
**Director Vigilance (M)**  
**Railway Board**

**Copy to :-** All Officers and the Branches of Vigilance Directorate.

ADVANCE CORRECTION SLIP NO.11

Addition in Chapter-V of Indian Railway Vigilance Manual  
(2006 Edition)

A new para 513.4, below para 513.3 specifying the procedure for seeking second stage advice in respect of major penalty cases involving Group 'C' and 'D' employees in CVC composite cases is added as under:

**New para 513A shall read as follows:**

As a corollary to para 513.3, it is now proposed that in composite cases, where the Commission had tendered its first stage advice for all category of officers, reference to Board for the approval of Adviser(Vigilance) as the Chief Vigilance Officer of the Ministry of Railways should be restricted only to officers falling under CVC/Railway Board's jurisdiction viz. Group 'A', Group 'B' and Group 'B' Officers officiating in Sr.Scale. Cases involving Group 'C' and "D' employees need not be referred to Railway Board for second stage advice if the proposed penalty is in line with the Commission's first stage advice. Details of the final outcome of the case may be sent to Board for information. However, if there is a difference of opinion between the Commission and the DA, the same should be referred to Board for advice

**GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RAILWAY BOARD**

**No. 2006/V-1/Meet/6/1**

**New Delhi, dated: July 19, 2006**

**The General Managers**

CR, ER, ECR, ECOR, NR, NCR,  
NER, NFR, NWR, SR, SCR, SER,  
SECR, SWR, WR, WCR, CLW,  
DLW, ICF, RCF, RWF, CORE,  
METRO & NFR(Constn.)

**The Directors,**

IRICEN, IRISSET, IRITM. IRIEEN  
& IRIMEE,

**Chief Administrative Officers**

DLMW & COFMOW

**Managing Directors**

BITES, IRCON, KRCL, CONCOR,  
IRFC, MRVC, RCTC, RAILTEL,  
CRIS, RVNL and IRWO.

**Director General**

RDSO and RSC

**Others**

CCRS/LKO

**Sub: Procedure for dealing with DAR cases against group  
'C' and 'D' staff arising out of vigilance investigation.**

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It has come to the notice of Railway Board that there is inordinate delay in giving vigilance clearance/ furnishing vigilance position by some of the Vigilance units on account of either not following the existing instructions or not interpreting the same correctly. This adversely affects the staff and delays their promotion.

2.0 The existing instructions for dealing with disciplinary proceedings and vigilance clearance have been considered and **it has been decided that, in supersession of all previous instructions, on the subject,** the procedure given below will henceforth be followed for dealing with DAR cases and vigilance clearance of Group 'C' and Group 'D' staff:-

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## **2.1 Cases involving Group 'C' and Group 'D' staff only (i.e. not involving any Gazetted Officer).**

In these cases CVC advice is not required. These cases which are also known as Non-CVC cases be dealt as under:-

2.1.1 In minor penalty cases, vigilance clearance for a particular case would be given once the Disciplinary Authority (DA) has finalized the DAR action and a punishment notice (NIP) had been issued. No consultation is necessary with Vigilance even if DA differs with the first stage advice of vigilance organization and penalty imposed is at variance with Vigilance advice or DA exonerates the charged official. DA is only required to send a copy of NIP/ exoneration advice along with its speaking order and reasons of disagreement to Vigilance promptly, say within a week. In the cases of deviation, Vigilance can seek a revision by referring the case to Revising authority (RA) if considered necessary. Such revision would, however, not come in the way of vigilance clearance of staff.

2.1.2 For major penalty cases, the vigilance case will get closed once the DA has imposed any of the major penalties and sends copy of NIP along with its speaking order to Vigilance Organisation. No consultation with Vigilance is necessary where DA intends to impose penalty in accordance with first stage of Vigilance Organisation. However, where punishment is not considered adequate, the vigilance organization can later seek a revision by referring the case to RA as per extant procedure. Such revision would, however, not come in the way of vigilance clearance of staff.

2.1.3 For major penalty cases, where DA proposes to exonerate or impose a minor penalty, consultation with vigilance would be necessary. In such cases, DA has to first record his provisional views and consult Vigilance organization once giving reasons for disagreement with Vigilance advice. Vigilance Organisation should examine and furnish their comments to DA on such references. Normally vigilance organization is expected to furnish their comments to DA within two weeks of receipt of such references. Even if after this consultation, DA is not in agreement with views of Vigilance, then DA is free to proceed and pass speaking order for exoneration/imposition of penalty. Copy of the NIP/ exoneration advice is required to be promptly sent by DA to Vigilance along with its speaking order and reasons of disagreement within a week of passing such orders. Vigilance organisation may seek a revision by referring the case to RA, if considered necessary. However, such a revision would not come in the way of vigilance clearance of staff

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2.1.4 The procedure for consultation with Vigilance once as described in Para 2.1.3 would also be applicable in major penalty cases when appellate/ revising authority proposes to exonerate or impose a minor penalty.

2.1.5 Procedure as described in Paras 2.1.1. to 2.1.4 above would also be applicable for the cases investigated by Board Vigilance. However, in cases of disagreement of DA/Appellate Authority/RA, Zonal Railway Vigilance has to send case to Board Vigilance along with their comments for consultation.

2.1.6 SDGM/CVO may put up details of cases where penalty imposed by DA/AA/RA is either at variance with vigilance advice or considered inadequate to General Manager, once every quarter, for his information endorsing a copy to A.M.(Vig.), Railway Board.

**2.2 Composite cases involving Group 'C' and 'D' staff along with Group 'A' officer(s) or Group 'B' officer(s) working in senior scale (also called CVC composite cases).**

2.2.1 In minor penalty cases, no consultation with Vigilance/CVC is necessary if punishment proposed to be imposed by DA is in line with CVC advice. However, in cases of deviation, case is required to be sent to CVC for reconsideration along with provisional views of DA and Vigilance comments thereon. Vigilance Units should promptly (say within two weeks) send the cases to Board Vigilance for seeking CVC's reconsidered advice. DA is however, free to pass speaking order and issue NIP if he is still not in agreement with CVC's reconsidered advice. Copy of this NIP alongwith reasons of his disagreement should be promptly sent to Vigilance for onward transmission to CVC. CVC can include this case in its Annual Report that is submitted to Parliament and can be discussed by Hon' ble. MPs.

2.2.2 In major penalty cases, all cases are required to be referred to CVC for second stage advice after completion of Inquiry along with IO's report, provisional views of DA and Vigilance comments. Vigilance case is closed once DA imposes penalty in accordance with CVC's second stage advice and furnishes a copy of NIP to Vigilance for onward submission to CVC.

However, if DA differs with CVC's second stage advice, case is again required to be referred to CVC for reconsideration along with reasons for disagreement by DA and Vigilance comments. If DA still differs with CVC's reconsidered second stage advice, he can pass speaking orders and issue NIP. A copy of NIP along with reasons of disagreement is required to be sent to Board Vigilance for onward submission to CVC. CVC can include this case in

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its Annual report that is submitted to Parliament and can be discussed by Hon' ble MPs.

2.2.3 The procedure for consultation with CVC once as described in Paras 2.2.1 & 2.2.2 would be applicable when appellate/ revisionary authority proposes to deviate from CVC' s advice.

**2.3 Composite cases involving Group 'C' and 'D' staff alongwith Group 'B' officer(s).**

2.3.1 Same procedure as prescribed for CVC composite cases detailed in Para 2.2 above would be applicable except that the case would be decided at the level of AM(Vig) and would not be referred to CVC.

3.0 In the light of above instructions, there should not be any difficulty in dealing with DAR cases expeditiously. Vigilance organisation will only furnish the current vigilance position about the employee to the executive branch, which has to take decision about promotion/ deputation/ training etc of the employee in accordance with the extant instructions. There should, therefore, be no reason for delay in furnishing vigilance position by the Vigilance organisation.

4.0 Efforts should also be made by Vigilance organisation to computerise their vigilance clearance module to enable furnishing vigilance position reports promptly. This computerisation should be completed within six months and report furnished to Railway Board.

**(Mathew John)**  
**Addl. Member (Vigilance)**  
**Railway Board**