

Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स/Fax : 24651186



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

016/Misc/Legal/005

सं./No.....

05.10.2016

दिनांक / Dated.....

Circular No. 11/09/2016

Subject: Standard operating procedure regarding legal cases where Central Vigilance Commission has been made respondent alongwith the organizations concerned.

The Central Vigilance Commission, under the provisions contained in Section-8(1)(g) and Section-17(2) of the CVC Act, 2003 has the mandate to tender advice to the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government, regarding the officers covered under its advisory jurisdiction as defined under Section 8(2) of the CVC Act, 2003.

2. The Central Vigilance Commission takes a considered view regarding the further course of action to be taken in respect of officers/cases as mentioned above, based on the records/evidence/material available with it and should advise either prosecution of the Suspected Public Servant or initiation of appropriate disciplinary proceedings or for imposition of appropriate penalty as the case should be, based on the irregularities noticed on their part.

3. The officers concerned, against whom action has been advised by the Central Vigilance Commission, sometimes feel aggrieved by the advice of the Central Vigilance Commission and approach either Central Administrative Tribunal or other Courts of Law with the prayer to get the advice tendered by Central Vigilance Commission and subsequent disciplinary action against them quashed. The Central Vigilance Commission and/or its officers, alongwith the organization concerned to whom the officer belongs and the Disciplinary Authority of the petitioner officer are made respondents by them.

4. In such cases, where the Central Vigilance Commission has been named as a respondent alongwith the organization concerned/other respondents, the authorities concerned in the organization, immediately on receipt of a notice from the respective court or on receipt of advance copy of the petition/application/plaint etc. should bring the same to the notice of the Chief Vigilance Officer of the organization. The Chief Vigilance Officer of the organization

should inform the Central Vigilance Commission immediately about the court case. The Chief Vigilance Officer should also forward a self contained note containing a summary about the issues raised in the petition/application/plaint etc., indicating the paras where Central Vigilance Commission's actions have been described/questioned and also quoting the Central Vigilance Commission's references/correspondences exchanged with the organization concerned relating to the case mentioned before the Court/Central Administrative Tribunal etc., if any.

5. During the intervening period, when correspondence is being made by the Chief Vigilance Officer of the organization with the Central Vigilance Commission and prior to receipt of its specific advice/directions, the Chief Vigilance Officer of the organization concerned should ensure that the Central Vigilance Commission's and its officers' interest are duly protected before the Court, if the case comes up for hearing. The Chief Vigilance Officer and/or any other authority concerned of the organization, should suitably brief the counsel/advocate of the organization about Central Vigilance Commission's functions and powers and its advisory jurisdiction, as mandated under Section 8 and 17 of the CVC Act, 2003 to suitably apprise the court accordingly. Provisions contained under Section 15 of the CVC Act, 2003 stating that "*No suit, prosecution or other legal proceeding shall lie against the Commission, the Central Vigilance Commissioner, any Vigilance Commissioner, the Secretary or against any staff of the Commission in respect of anything which is in good faith done or intended to be done under this Act*" should also be brought to the notice of respective Courts, through the organization's counsel/advocate in order to get the name of the Central Vigilance Commission or its officers deleted from the list of respondents.

6. Many a times, petitioners/applicants/plaintiffs approach the Courts alleging corrupt/inappropriate activities against various Govt. organizations and/or by public servants and seek investigation about such inappropriate activities through Central Vigilance Commission. In case they had made complaint to the Central Vigilance Commission earlier regarding the issues mentioned before the court, they point out this fact in their petition/prayer and sometimes express dissatisfaction about the action taken by the Central Vigilance Commission on their complaints, as should have been intimated to them. In such cases also, immediately on receipt of a notice from the respective court or on receipt of advance copy of the petition/application/plaint etc., the authorities concerned in the organization should bring the same to the notice of the Chief Vigilance Officer of the organization immediately. The procedure as prescribed in paras (4) and (5) above should be followed in respect of such cases also.

7. Wherever a need arises to debate or argue, before the respective Courts, the merits of specific advice tendered by the Central Vigilance Commission in a particular case or action taken by it on an individual complaint or any other action of Central Vigilance Commission, the organization should seek specific comments and advice of Central Vigilance Commission before informing/apprising the Court through their counsel/advocate.

8. The Chief Vigilance Officers should suitably sensitise/ inform the officers of their organizations about the guidelines as given above.
9. This issues with the approval of the Commission.

Praveen Sinha
7/10/16

(Praveen Sinha)
Additional Secretary

To:-

All Chief Vigilance Officers of Ministries / Departments / CPSEs / Public Sector Banks / Insurance Companies / Autonomous organizations / Societies etc.