

No.006/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 13th March 2006

Circular No. 14/3/06

Subject:- Reference to the Commission for its advice – Documents including the draft charge sheet to be enclosed for seeking first stage advice and the documents to be enclosed for seeking second stage advice reg.

Reference:- (i) No. NZ/PRC/1 dated 9.5.2005
(ii) No. NZ/PRC/1 dated 26.2.2004

The Commission has been repeatedly emphasizing the need for sending complete information to the Commission along with the relevant documents while seeking its advice. In particular, it was emphasized that while seeking first stage advice, the draft charge sheet should be enclosed. It is a matter of serious concern that these instructions are not being strictly complied with.

2. In supersession of all earlier instructions it is reiterated that following material should be furnished to the Commission while seeking its advice:-

- (a) A self contained note clearly bringing out the facts and the specific point(s) on which Commission's advice is sought. The self contained note is meant to supplement and not to substitute the sending of files and records.
- (b) The bio-data of the officer concerned in the enclosed format (Annexure-I).
- (c) Other documents required to be sent for first stage advice:
 - (i) A copy of the complaint/source information received and investigated by the CVOs;
 - (ii) A copy of the investigation report containing allegations in brief, the results of investigation on each allegation;
 - (iii) Version of the concerned public servant on the established allegations, the reasons why the version of the concerned public servant is not tenable/acceptable, and the conclusions of the investigating officer;
 - (iv) Statements of witnesses and copies of the documents seized by the investigating officer;

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- (v) Comments of the Chief Vigilance Officer and the disciplinary authority on the investigation report {including investigation done by the CBI and their recommendation}
 - (vi) A copy of the draft charge sheet against the SPS alongwith the list of documents and witnesses through which it is intended to prove the charges.
- (d) Other documents required for second stage advice:
- (i) A Copy of the charge sheet issued to the public servant;
 - (ii) A copy of the inquiry report submitted by the inquiring authority {along with a spare copy for the Commission's records};
 - (iii) The entire case records of the inquiry, viz copies of the depositions, daily order sheets, exhibits, written briefs of the Presenting Officer and the Charged Officer;
 - (iv) Comments of the CVO and the disciplinary authority on the assessment of evidence done by the inquiring authority and also on further course of action to be taken on the inquiry report.

This is brought to the notice of all CVOs for strict compliance.


(V. Kannan)
Director

To

All Chief Vigilance Officers

Bio-Data of the officer against whom Commission's advice is sought

1. Name of the officer :
2. Designation
(a) At Present :
(b) When the alleged misconduct was committed :
2. Service to which belongs :
(Also please mention the cadre and year of allotment
in case of officers of the organized/All India Services)
3. Date of Birth :
4. Date of Superannuation :
5. Level/Group of the present post and pay scale :
6. Date of suspension [If under suspension] :
7. Disciplinary Rules applicable to concerned public servant
8. Nature of misconduct, in brief [Like false TA claims, :
Exceeding delegated powers, supervisory lapses etc.]
9. Allegations/charges in details [which were investigated/
Inquired] and results thereof
10. Version of public servant on established allegations/:
Charges [Separately for each allegation/charge]
12. Reasons why version of public servant is not acceptable
13. Misconduct imputed [Whether lack of integrity and/or:
devotion to duty] with relevant clauses of CDA Rules
14. Recommendation of CVO and disciplinary authority:
on the findings of investigating/inquiring authority
15. Involvement of officer in previous complaints, if any,
and results of investigations/inquiries authority
16. Brief particulars of similar cases, if any, in the organization
in which same or other officer might have been indulged; and
action taken in the matter

Signature of C.V.O. _____
Date _____
Tel. No. _____