



केंद्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

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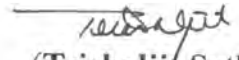
Master Circular No. : 06/MC/2026

Subject: Master Circular on Procedure for Obtaining and Implementing the advice of the Central Vigilance Commission.

The Central Vigilance Commission as part of its mandate of effective superintendence over the vigilance administration of the organisations covered under its advisory jurisdiction, has issued a number of guidelines, circulars etc. from time to time, about the procedure for obtaining and implementing the advice of the Commission.

2. The Commission, in order to ensure ease of reference about the procedure for obtaining and implementing the advice of the Commission, has consolidated, updated and revised the earlier guidelines, circulars etc. issued by it on the above mentioned subject. The same have been compiled in the form of Master Circular No 06/MC/2026 titled '**Procedure for Obtaining and Implementing the advice of the Central Vigilance Commission**' which is enclosed to this Office Memorandum. With the issuance of this Master Circular, all earlier guidelines, circulars etc. issued by the Commission on the above mentioned subject, stand superseded.
3. The Commission welcomes suggestions and inputs on the Master Circular. Any communication or clarifications sought in this regard may be addressed to 'The Secretary, Central Vigilance Commission'.
4. This Master Circular is available on the website of the Commission, i.e. www.cvc.gov.in under the head 'Publications' and sub-head 'Master Circulars'.

Encl: As above.


(Trishaljit Sethi)
Secretary

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of Central Public Sector Enterprises / Public Sector Banks / Public Sector Insurance Companies /Autonomous Bodies etc.
- (iii) All CVOs of Ministries / Departments of GoI / CPSEs / Public Sector Banks / Public Sector Insurance Companies / Autonomous Bodies etc.
- (iv) Website of Central Vigilance Commission.



Master Circular No. : 06/MC/2026

**MASTER CIRCULAR
ON
PROCEDURE FOR OBTAINING AND
IMPLEMENTING THE ADVICE OF THE CENTRAL
VIGILANCE COMMISSION**



CENTRAL VIGILANCE COMMISSION

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Procedure for Obtaining and Implementing the Advice of the Central Vigilance Commission

SHORT TITLE, APPLICABILITY AND COMMENCEMENT

This circular shall be referred to as the ‘Master Circular on Procedure for Obtaining and Implementing the Advice of the Central Vigilance Commission’. This circular shall be applicable to all ministries, departments and organisations of the Central Government, covered under the jurisdiction of the Central Vigilance Commission (hereinafter called as the Commission) and shall come into effect from the date of its issuance.

2. PURPOSE

This circular is being issued in supersession of all earlier circulars / guidelines / office orders / letters etc. issued by the Commission from time to time regarding Obtaining and Implementing the Advice of the Central Vigilance Commission and is aimed at bringing clarity about the same.

3.0 JURISDICTION OF THE CENTRAL VIGILANCE COMMISSION

3.1 In accordance with the provisions contained under Section 8 (1) (g) of CVC Act-2003, the Commission tenders 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 on such matters as may be referred to it by that Government, said Government companies, societies and local authorities owned or controlled by the Central Government or otherwise.

3.2 Advice of the Commission is required to be obtained in respect of the organisations and officials, covered under its jurisdiction, as given in the following table:-

S. No	Department / Organisation	Category of Officials
1.	Ministries and Departments of the Central Government	i. Members of All India Services serving in connection with affairs of the Union ii. Group ‘A’ Officers
2.	Union Territories	Group ‘A’ Officers
3.	Central Public Sector Enterprises (Schedule ‘A’ and ‘B’)	Chief Executives and Executives on the Board and other officers of level of E-8 and above.

4.	Central Public Sector Enterprises (Schedule 'C' and 'D')	Chief Executives and Executives on the Board and other officers of level of E-7 and above.
5.	Public Sector Banks	Scale V and above
6.	Public Sector General Insurance Companies	Manager and above
7.	Life Insurance Corporation	Senior Divisional Manager and above
8.	RBI, NABARD, SIDBI	Officers in Grade D and above
9.	Societies / Local Authorities owned or controlled by the Central Government	Officers drawing salary of Rs. 8700/- p.m. and above on Central Govt. D.A. pattern as on the date of notification and may be revised from time to time) ¹
10.	Port Authorities / Dock Labour Board	Officers who are in pay of Rs. 10750/- and above (Rs. 3750/- and above pre-revised)

3.3 The Commission is to be consulted for advice at two stages of a case, that is for obtaining First Stage Advice (FSA) and Second Stage Advice (SSA).

4.0 FIRST STAGE ADVICE OF THE CENTRAL VIGILANCE COMMISSION

4.1 The FSA of the Commission is to be obtained in respect of cases / officials as indicated in Paras 4.5 to 4.12 of this circular.

4.2 On completion of investigation in a case, the investigation report, along with the specific recommendations of the CVO in respect of each Suspected Public Servant (SPS) is required to be submitted for consideration of the Disciplinary Authority (DA). The Commission is to be approached for FSA by the CVO after obtaining tentative views / recommendations of the DA.

4.3 Before the case is forwarded to the Commission for obtaining FSA, the authority concerned in the organisation is required to go through all the document(s) / evidence(s) carefully, to come to a tentative view whether initiation of disciplinary proceedings are warranted against the SPS(s) or not. In case, initiation of disciplinary proceedings is being proposed at the time of referring the case to the Commission for its FSA, the documents as stated in Para 5.1 should also be forwarded to the Commission.

4.4 The CVO should also ensure that all documents/exhibits, constituting the basic evidence for the charge(s) mentioned in the draft charge-sheet, are

¹ As per Department of Personnel & Training's Gazette Notification No. S.O. 1538(E) dated 12.09.2007

systematically identified and arranged. Superfluous and voluminous documents, not relevant to the misconduct / charge(s) under consideration, should be retained in the organisation. In case, any additional material / document is required by the Commission for detailed examination of a case, the same would be sought by it before tendering advice in that case.

4.5 A case in which the role of one or more official(s) covered under the jurisdiction of the Commission has been investigated, alongwith the role of official(s) outside the jurisdiction of the Commission, is to be considered as a 'composite case'. It may be noted that in a composite case, all the official(s), whether under the jurisdiction or outside the jurisdiction of the Commission, are to be considered under the jurisdiction of the Commission for that particular case, subject to the guidelines as stated in Para 4.6 (ii) and (iv) of this circular.

4.6 On receipt of a complaint / information by the CVO, the same may be taken up for investigation by him, after following due process. On completion of investigation, one of the following actions is required to be taken by the CVO:-

- (i) If all / any of the officials against whom misconduct having vigilance angle is observed, are covered under the jurisdiction of the Commission, the case is required to be forwarded for obtaining FSA of the Commission.
- (ii) In a composite case (as defined in Para 4.5 of this circular), if misconduct having vigilance angle is observed against the official(s) out side the jurisdiction of the Commission and administrative / procedural irregularities are observed against the official(s) covered under the jurisdiction of the Commission, the case is required to be forwarded for obtaining FSA of the Commission.
- (iii) However, in a composite case if no vigilance angle is observed in respect of any official, whose roles have been investigated, the case would be brought to a logical conclusion by the DA concerned without referring the case to the Commission for advice or without involvement of the CVO.
- (iv) In a composite case, if no irregularity / lapses are observed against the official(s) covered under the jurisdiction of the Commission, the case may be dealt with by the CVO / authorities concerned in the organisation in accordance with the guidelines as contained in Paras 4.7 to 4.9 of this circular, even if vigilance angle is observed in respect misconduct noticed on the part of official(s) outside the jurisdiction of the Commission.
- (v) If all the officials whose role has been investigated are outside the jurisdiction of the Commission and no vigilance angle is observed, in respect of

irregularities taken up for investigation, that case would be brought to a logical conclusion by the DA concerned, without further involvement of the CVO.

4.7 In a case investigated by the CVO, if all the official(s) whose role has been investigated, are outside the jurisdiction of the Commission, the investigation report, along with the recommendation of the CVO (regarding existence or absence of vigilance angle and / or further action, if required) is required to be forwarded to the DA concerned. In case the CVO and the DA both agree to the existence of vigilance angle in respect of the misconduct noticed on the part of individual official(s), further action would be taken by the DA concerned, in consultation with the CVO.

4.8 However, in case of difference of opinion between the CVO and the DA regarding the presence of vigilance angle in a case, where all the officials involved are outside the jurisdiction of the Commission, the case along with the investigation report and other relevant records / documents should be forwarded to the Commission for obtaining its FSA.

4.9 There may be a case where the official(s) involved are outside the jurisdiction of the Commission and existence of vigilance angle is agreed to by the CVO and the DA concerned, but there is disagreement between them regarding the type of disciplinary action to be initiated against the SPS(s). In such circumstances, the matter should be placed before the Chief Executive, to resolve the difference of opinion. In case the difference of opinion still persists, the matter should be referred to the Commission for obtaining its FSA.

4.10 On occasions, a misconduct is observed on the part of an official, after his retirement / superannuation or after he has ceased to be in the service of that organisation. It is clarified that the advice of the Commission is required to be obtained in respect of such officials also, if they are covered under the categories as mentioned in Paras 3.2, 4.5, 4.6, 4.8 and 4.9.

4.11 It may also be noted that whenever the Commission forwards a complaint to the CVO / organisation concerned for Investigation and Report (I&R), the CVO / organisation concerned is required to complete investigation within 03 months from the date of receipt of reference from the Commission or within such time as may be specified by the Commission. In respect of such a complaint, the CVO / organisation concerned is required to forward the investigation report to the Commission for obtaining its FSA, irrespective of the outcome of the investigation or the level of the official(s) found involved in that case. Further action is to be taken only after receipt of the FSA of the Commission.

4.12 In respect of a complaint forwarded by the Commission for Necessary Action to the CVO/organisation concerned, in case the same is taken up for investigation by the CVO, further action is required to be taken as per guidelines contained in Paras 4.5 to 4.10 of this circular.

5.0 PROCEDURE AND DOCUMENTS REQUIRED FOR OBTAINING FIRST STAGE ADVICE OF THE CENTRAL VIGILANCE COMMISSION

5.1 In order to ensure proper appreciation of all the facts and for a comprehensive examination of the case in the Commission, the case being referred to the Commission for obtaining its FSA, should contain a proper analysis of misconduct, all relevant evidence(s) / document(s) and specific recommendations of the CVO and Competent Authority (CA) about the proposed line of action. All the relevant documents also need to be properly highlighted to avoid unnecessary correspondence and resultant delay. In order to ensure uniformity in the manner in which the case is to be referred to the Commission for obtaining its FSA, the following documents should invariably be forwarded to it:-

- (i) Vigilance report in the prescribed format as enclosed as **Annexure I**.
- (ii) Assurance Memo, signed by CVO, in the prescribed format as enclosed as **Annexure II**
- (iii) Biodata of SPS(s) figuring in the report, in the prescribed format as enclosed as **Annexure III**
- (iv) Tabular statements, in the prescribed format, as enclosed as **Annexure IV**
- (v) Draft charge-sheet and statement of imputation of charges in respect of SPS(s), in case initiation of disciplinary action is being proposed.

5.2 It is clarified that perusal of draft charge - sheet by the Commission is intended only to see that all the lapses are reflected in the charge - sheet. Perusal of charge-sheet by the Commission is not to be construed as vetting of draft charge-sheet by it.

5.3 It is also to be noted that many a times the case fails because of deficiencies in the charge-sheet. Sometimes, the charges are framed without specifying the misconduct in the article of charge, although the same are stated in the statement of imputation. It is important that each article of charge is framed meticulously as no charge is left incomplete without including therein, elements of the main content of the allegations / imputations.

5.4 It is also to be noted that the courts have struck down charge-sheets on account of the charges framed being general or vague¹. Moreover, if the charge is that the employee acted out of an ulterior motive, that motive must be specified in the charge sheet². Also, while drawing a charge - sheet, special care should be taken to ensure that the guilt of the Charged Officer (CO) is not pre-judged or pronounced upon in categorical terms, in advance³. However, the statement merely of a hypothetical or tentative conclusion of guilt in the charge will not vitiate the charge-sheet⁴.

5.5 It may be noted that the position indicated in Para 5.3 and 5.4 above is only for guidance of the authority. The responsibility of framing and serving a legally tenable / proper charge - sheet to the delinquent official rests with the DA concerned.

6.0 RECONSIDERATION OF FIRST STAGE ADVICE OF THE CENTRAL VIGILANCE COMMISSION

6.1 The Commission tenders FSA based on information / documents / records etc. provided by the organisation / authorities concerned and perceived seriousness of the misconduct observed or otherwise. In such a case, there is hardly any scope for reconsideration of the FSA tendered by the Commission.

6.2 However, on a few occasions, the authority concerned may propose to take a view other than the FSA of the Commission, based on new / additional material or facts, which were not considered earlier and may have come to light at a later stage. Such material or facts may have the effect of altering the seriousness of the lapses. In such a scenario, a reference to the Commission may be made requesting for reconsideration of its FSA.

6.3 The new facts stated by the organisation should be substantiated by adequate evidence(s) and it should also be explained as to why the fact(s) were not considered / brought to the notice of the Commission earlier, while approaching the Commission for its FSA.

6.4 A proposal for reconsideration of the FSA of the Commission, if not accompanied with due examination of the new / additional material or facts, is liable to be summarily rejected by the Commission.

6.5 It has been observed that in a few cases, the CA 'decides' to deviate from the advice of the Commission and thereafter approaches the Commission for reconsideration of its advice. It may be noted that such a case, where the CA has already

¹Supreme Court Judgement in the case of Sawai Singh Vs. State of Rajasthan 1986, refers.

²Judgement of Allahabad High Court in Uttar Pradesh Vs. Salig Ram AIR 1960 All 543, refers.

³Judgement of Calcutta High Court in Meena Jahan Vs. Deputy Director, Tourism 1974 2SLR 466 Cal, refers.

⁴Judgement of Orissa High Court in Dinabandhu Rath Vs. State of Orissa AIR 1960 Orissa 26 cf and by Supreme Court of India in Powari Tea Estate Vs. Barkataki (M.K.) 1965 Lab LJ 102, refers.

as a case of reconsideration of its advice. Such a case would be treated as a case of ‘deviation’ from the advice of the Commission. Therefore, the CA should approach the Commission for reconsideration of its FSA, before taking a final decision.

6.6 A proposal to the Commission for reconsideration of its FSA should be made only once, within two months of receipt of the FSA of the Commission and with the prior approval of DA or Head of the Department or Chief Executive of the organisation.

7.0 SIMULTANEOUS CRIMINAL PROCEEDINGS (PROSECUTION) AND DISCIPLINARY PROCEEDINGS

7.1 As per various judgements of the Hon’ble Supreme Court of India, there is no legal bar in conducting simultaneous criminal and departmental proceedings against the delinquent official(s).

7.2 The Hon’ble Supreme Court of India in one of its judgements¹ has referred to the need for simultaneous initiation of departmental proceedings by stating that:

“It must be remembered that interests of administration demand that the undesirable elements are thrown out and any charge of misdemeanour is enquired into promptly. The disciplinary proceedings are meant not really to punish the guilty but to keep the administrative machinery unsullied by getting rid of bad elements. The interest of the delinquent officer also lies in a prompt conclusion of the disciplinary proceedings. If he is not guilty of the charges, his honour should be vindicated at the earliest possible moment and if he is guilty, he should be dealt with promptly according to law. It is not also in the interest of administration that persons accused of serious misdemeanour should be continued in office indefinitely, i.e., for long periods awaiting the result of criminal proceedings.”

7.3 Thus, in a case where it is considered appropriate to initiate disciplinary proceedings along with criminal prosecution, the disciplinary proceedings can be initiated simultaneously. In this regard attention is drawn to detailed guidelines issued by Department of Personnel and Training (DoPT) vide their Office Memorandum (OM) dated 29.11.2022².

7.4 In such a case, before initiation of disciplinary proceedings, the Commission should also be approached for obtaining its FSA, in respect of officials as specified in Para 3.2 of this circular. The advice of the Commission would also be required in respect of cases as mentioned in Paras 4.5 to 4.10 of this circular, subject to certain exemptions, as given in these paras.

¹Supreme Court’s judgement in the case of State of Rajasthan vs. B.K Meena & Ors. (1996) 6 SCC 417, refers.

²DoPT’s OM No. 669703753924 dated 29.11.2022 on the subject “Simultaneous action of prosecution and initiation of departmental proceedings” refers, which may have been amended from time to time.

8.0 SECOND STAGE ADVICE OF THE CENTRAL VIGILANCE COMMISSION

8.1 Earlier, SSA of the Commission was required in respect of all official(s) against whom FSA of the Commission was tendered. In order to ensure expeditious finalisation of disciplinary proceedings, the Commission has decided that its SSA is not required to be obtained in those cases where the CA, after conclusion of the departmental inquiry / consideration of statement of defence submitted by the CO, proposes to impose a penalty which is in line with the FSA of the Commission.

8.2 It may be noted that presently, a case is to be referred to the Commission for obtaining its SSA, if the CA proposes to issue final order(s), which is at variance with the FSA of the Commission. A reference for SSA of the Commission should be made before a final decision is taken by the CA.

8.3 The Commission expects that in cases where its SSA is not required to be obtained, such cases are to be dealt with by the CA concerned in consultation with the CVO of the organisation. The CVO would exercise proper check and would monitor such cases to ensure that they are disposed off expeditiously within the time limit and guidelines, as advised in 'Master Circular No. 08/MC/2026 on Timely Initiation and Finalisation of Disciplinary Action'. In all such cases, where the final orders issued are in accordance with the FSA of the Commission, copy of such orders are required to be forwarded to the Commission mandatorily, within 15 days of issue of the final order, for its perusal and record.

8.4 The Commission, taking cognizance of DoPT's OM dated 26.09.2011¹, has decided that as a policy, advice of either Union Public Service Commission (UPSC) or of the Central Vigilance Commission may be obtained. Therefore, in those cases involving categories of officials where orders for imposing penalty are to be issued in the name of the President and UPSC is required to be consulted as per extant rules, the Central Vigilance Commission need not be approached for obtaining its SSA. In all such cases, the authorities concerned should approach UPSC for advice and take further action accordingly.

8.5 It is clarified that in those cases where final orders are to be issued in the name of the President and the CA proposes to exonerate the CO / drop the charges against him and advice of UPSC is not required, the Central Vigilance Commission is to be approached for obtaining its SSA, by the authorities concerned.

¹DoPT's OM No.372/19/2011-AVD-III (Pt.) dated 26.09.2011 on the subject "Permission to initiate investigation by the CBI in respect of officers of the rank of Joint Secretary and above serving the Central Government - Provisions of section 6A of the Delhi Special Police Establishment (DSPE) Act, 1946 – recommendations of the Group of Ministers", refers, which may have been amended from time to time.

8.6 It may also be noted that the procedure as prescribed in Paras 8.1 to 8.5 of this circular shall also be applicable in respect of officials outside the jurisdiction of the Commission, in case FSA of the Commission was obtained against them, being involved in a composite case or otherwise.

8.7 In order to ensure proper appreciation of facts and thorough examination of case(s) referred to the Commission for obtaining its SSA, it is important that complete information, along with relevant documents, is forwarded to the Commission. While approaching the Commission for obtaining its SSA, the CVO / authority concerned should ensure that the following records / documents are also forwarded:-

- (i) Biodata of CO(s), in the prescribed format as enclosed as **Annexure-III**
- (ii) CVO's report for SSA as enclosed as **Annexure-V**
- (iii) A copy of the charge - sheet issued to the CO;
- (iv) A copy of the inquiry report submitted by the Inquiry Officer (IO), along with a spare copy for the record of the Commission;
- (v) The entire case records of the inquiry, i.e. copies of depositions and exhibits, daily order sheet folder, folder containing copies of written brief of the Presenting Officer (PO) and the defence of the CO;
- (vi) Comments and specific recommendations of the DA and the CVO on the findings of IO.
- (vii) Tabular statement in the prescribed format, as enclosed as **Annexure- VI**.

9.0 RECONSIDERATION OF SECOND STAGE ADVICE OF THE CENTRAL VIGILANCE COMMISSION

9.1 The SSA of the Commission is tendered based on inputs received from the organisation which includes all material / information pertaining to the individual disciplinary case. In such a case, no new material / additional facts are likely to emerge after the Commission has tendered its SSA, leaving little scope for reconsideration of SSA of the Commission. Hence, the Commission does not entertain any proposal for reconsideration of its SSA.

9.2 The authorities concerned are, therefore, required not to approach the Commission for reconsideration of its SSA and should issue final orders within one month from the date of receipt of SSA of the Commission.

10. PROCEDURE FOR DEALING WITH CASES OF OFFICIALS, CONVICTED BY COURT OF LAW

It may be noted that consultation with the Commission is not required in cases where the official concerned has been convicted by a Court of Law on a criminal charge and action has been initiated against the official concerned, under Rule 19 (i) of Central

Civil Services (Classification, Control and Appeal) Rules, 1965 or under similar service rules, as may be applicable. In this regard, attention is drawn to DoPT's OM dated 08.04.2005¹ on the subject.

11.0 TIME LIMIT FOR SUBMITTING FURTHER INFORMATION / CLARIFICATION AS SOUGHT BY THE CENTRAL VIGILANCE COMMISSION

11.1 During the course of examination of a case / records received from the CVO / authorities concerned, the information / records forwarded to the Commission may be found to be incomplete or lacking in clarity. In such a case, the Commission may ask for clarification / additional information, before taking a considered view.

11.2 In order to ensure timely action, the CVO / Authority concerned is required to provide the information / clarification, as may be sought by the Commission, within 30 days of the receipt of the communication or within the period as may be specified by the Commission. In case it is not possible to provide the desired information / clarification within the specified time period, the CVO / authority concerned, should approach the Commission for seeking extension of time. The reasons for seeking extra time for providing information / clarification and the time period within which the information / clarification would be submitted to the Commission should also be specifically mentioned in the communication being sent to the Commission for this purpose.

12.0 REFERENCE TO THE CENTRAL VIGILANCE COMMISSION FOR OBTAINING ITS ADVICE IN RESPECT OF OFFICIAL(S) DUE FOR RETIREMENT

12.1 The vigilance functionaries as well as administrative authorities concerned should prioritise conducting of investigation and initiating disciplinary action in respect of official(s) due for retirement / superannuation in near future, so as to avoid late reference to the Commission for obtaining its advice in these cases. All such retirement cases should be forwarded to the Commission for obtaining its advice in such a manner that the cases are received in the Commission at least 30 days before the date of retirement of the SPS.

12.2 It should be ensured that the proforma prescribed for providing biodata of the SPS / CO should be duly filled in, especially the column of date of birth / retirement. Whether an SPS / CO is in service or has retired is a crucial point for appreciating the case and for enabling the Commission to tender its advice.

¹DoPT's OM No. 118/112005-AVD.III dated 08.04.2005 on the subject "Consultation with the Central Vigilance Commission in cases where action taken under Rule 19 (i) of the CCS(CCA) Rules, 1965", refers which may have been amended from time to time.

13.0 MONITORING OF DISCIPLINARY CASES AND ACCOUNTABILITY FOR DELAY IN SUCH CASES

13.1 The responsibility of taking timely action in a disciplinary case, including implementation of the advice tendered by the Commission, rests with the administrative authority concerned. Any undue delay may even lead to eventual dropping of the proceedings. Therefore, in case of any delay beyond the advised time limit in implementation of the advice of the Commission, the administrative authority is required to give reasons for such a delay. In case the reasons for delay are found to be unacceptable, appropriate action may also be recommended / advised against the official(s) responsible for the delay. In this regard, attention is also drawn to DoPT's OM dated 16.02.2004¹, on the subject.

13.2 It may also be noted that as per DoPT's OM dated 29.11.2012² relating to monitoring and expeditious disposal of disciplinary proceedings, CVOs have been given the responsibility of monitoring the timelines and ensuring adherence to the same.

14.0 SELF-CONTAINED SPEAKING AND REASONED ORDER TO BE ISSUED BY THE COMPETENT AUTHORITY

14.1 The disciplinary proceedings, if required, are initiated against the delinquent official(s) in accordance with the Conduct, Discipline and Appeal (CDA) Rules, as may be applicable to the official(s) concerned. On conclusion of the disciplinary proceedings, final orders are required to be issued by the CA i.e. DA / Appellate Authority (AA) / Revising Authority (RA). The disciplinary proceedings are quasi-judicial in nature and therefore, the orders issued by the CA should have the attributes of a judicial order. Hon'ble Supreme Court of India in its judgement dated 02.04.1970³ observed that recording of reasons in support of a decision by a quasi-judicial authority is obligatory. The Hon'ble Court also stated that the necessity to record reasons is greater if the order is subject to appeal. Therefore, the orders issued by the CA should clearly state the reasons, based on which the CA arrived at the decision, which was being communicated to the delinquent official. If, no logical reasons are expressly stated in the orders of the CA, that order may be challenged in a court / tribunal etc. and may be held invalid. In this regard attention is drawn to Department of Personnel & Administrative Reforms (DP&AR's) OM dated 13.07.1981⁴.

¹ DoPT's OM No.11013/2/2004-Estt.(A) dated 16.02.2004, on the subject 'Accountability for delay in decision making', refers, which may have been amended from time to time.

² DoPT's OM No. 425/04/2012-AVD-IV(A) dated 29.11.2012 on the subject 'Guidelines for monitoring and expeditious disposal of the disciplinary proceeding cases', refers, which may have been amended from time to time.

³ Supreme Court's judgement dated 02.04.1970 in the case of 'Mahavir Prasad Vs. State of UP (AIR 1970 SC 1302)', refers.

⁴ DP&AR's OM No. 134/1/81-AVD-1 dated 13.07.1981 on the subject of 'Disciplinary cases need for issuing speaking orders by competent authorities', refers, which may have been amended from time to time.

14.2 It is also a well-settled law that the CA is required to apply its mind independently, to the facts and circumstances of the case and then arrive at a conclusion, even though consultation with the Commission and / or other organisation may have been held. A mere endorsement of the advice / recommendations of any organisation / authority without independent application of mind by the CA, in the orders being issued by it, may lead to such orders being challenged in a court / tribunal etc. Therefore, it is to be ensured by the CA that the orders issued by it are self-contained, speaking and reasoned, indicating independent application of mind and that the orders conform to legal requirements.

14.3 It is to be kept in view that the Commission tenders advice to the authority concerned, and the CA is required to take a reasoned decision after independent application of mind. The CA in the final orders being issued by it, should clearly state that the Commission has been consulted and final orders are being issued after independent application of mind. It may also be noted that in the speaking orders being issued by the CA, the advice of the Commission should not be quoted verbatim. In those cases, where the CA's decision is at variance with the advice of the Commission or the CVO or the findings of the Departmental Inquiry Officer, it is all the more necessary that the final orders being issued, reflect independent application of mind.

14.4 Further, it may be noted that in the final orders being issued by the CA, the name and designation of the CA should be necessarily and clearly mentioned.

15.0 DEVIATION FROM THE ADVICE TENDERED BY THE CENTRAL VIGILANCE COMMISSION

15.1 There may be instances when the CA contemplates not to accept the advice of the Commission, in respect of official(s) for whom the Appointing Authority is the President. In such cases, the CA is required to consult DoPT, before taking a final decision which is not in accordance with the advice of the Commission. In this regard attention is drawn to DoPT's O.M. dated 28.09.1978 and O.M. dated 02.09.2019¹. In case, the final decision of the CA, after consultation with DoPT, is not in accordance with the advice of the Commission, such a case would be considered as a case of deviation from the advice of the Commission.

15.2 It has been observed that there are occasions when, after imposition of penalty by the DA, in accordance with the advice of the Commission, the CO prefers an appeal before the Appellate Authority (AA) / Revising Authority (RA) or the RA may take up such cases for revision, on its own motion. In such matters, the AA / RA concerned

¹ DoPT's OM No. 118/2/78-AVD(1) dated 28.09.1978 on the subject 'Central Vigilance Commission – cases of difference from / non-acceptance of the advice of – Procedure for consultation with the Department of Personnel and A.R.' refers, which has been reiterated vide DoPT's OM No. 119/2/2019-AVD-III dated 02.09.2019.

should obtain the comments of the CVO before taking a decision at appeal / revision stage. Those cases, where the AA / RA takes a final decision / issues final orders which are not in accordance with the advice of the Commission, would be considered as cases of deviation from its advice, except those cases where a final decision has been taken after obtaining the advice of UPSC.

15.3 The CVO of the organisation is required to immediately report to the Commission, all individual cases of deviation from the advice of the Commission. In addition, such cases of deviation from the advice of the Commission are also to be reported by the CVO in the relevant column of online Quarterly Performance Report (QPR) being submitted to the Commission.

15.4 All such cases of deviation from the advice of the Commission (in respect of officials for whom the Appointing Authority is other than the President), which are not to be referred to DoPT for consultation, are also to be reported by the CVO of the ministry / department concerned to the Secretary of that ministry / department.

15.5 In respect of organisations, other than the ministry / department, all cases of deviation from the advice of the Commission, in respect of officials for whom the Appointing Authority is other than the President, shall be reported to the CVO of the administrative ministry / department, through the Chief Executive of the organisation, by the CVO of that organisation. The CVO of the administrative ministry / department shall put up all such cases to the Secretary of that administrative ministry / department. The reporting of these cases of deviation from the advice of the Commission to the Secretary of the administrative ministry / department, should be done within a period of two months from the date of issue of orders by the CA. A confirmation in this regard is also required to be sent to the Commission by the CVO of the administrative ministry / department. In addition, such cases should also be reported to the Board of Directors by the CVO of the organisation concerned.

15.6 The procedure for reporting of cases of deviation from the advice of the Commission as mentioned in Para 15.2 of this circular, shall continue. The procedure as stated in Paras 15.3 to 15.5 of this circular, is in addition to the procedure as mentioned in Para 15.2.

16.0 ACCEPTANCE OF RESIGNATION IN CASES WHERE ADVICE OF THE CENTRAL VIGILANCE COMMISSION WAS OBTAINED

It may be noted that in case an official against whom inquiry / investigation is pending, submits his resignation, such resignation should not normally be accepted, irrespective of the fact whether the official concerned has been placed under suspension or not. In case it is considered necessary in public interest, to accept resignation of the official concerned, a decision on such request for acceptance of resignation should be taken only after obtaining prior vigilance clearance from the authority competent to

accord such clearance. In respect of the official against whom the Commission had advised initiation of departmental action, concurrence of the Commission is also required to be obtained before submission of the case to the authority competent to accept resignation of that official. In this regard, attention is drawn to DoPT's OM dated 31.05.1994¹.

¹DoPT's OM No. 28034/4/94 Estt (A) dated 31.05.1994 on the subject of 'Acceptance of resignation— Procedure in respect of', refers, which may have been amended from time to time.

Annexure – I**Vigilance Report****Title of the report****1. Source**

Background of the report – whether based on source information, complaint referred to by the CVC, CTE/CTE type inspection or direct enquiry.

2. Gist of allegations**3. Facts**

The relevant facts relating to the issue under examination should be presented in chronological or activity-wise sequence. Each fact should be supported by documentary evidence (other forms of evidence may also be presented) denoted as E1, E2, and E3 etc. Since the facts occur in chronological order, the evidence E1, E2, E3, etc., should necessarily be arranged under the report in the same order, thus making it easier for reference. While annexing the evidence, the relevant portion of the document should be highlighted and annexed. For example, the evidence for educational qualifications for promotion should consist of the photocopy of only the clause prescribing the qualifications and not the whole documents, say, of 20 pages of the promotion policy. There may be several issues in a report which may be conveniently arranged as different paras viz. 2.1, 2.2 etc. All relevant facts needed to support the observations / conclusion should be gathered and presented. Irrelevant facts, bearing no consequence on the issues under inquiry should be avoided. Evidence presented should be credible and adequate.

4. Observations

Ordinarily, observations are logical deductions arrived at through a set of facts. They are in the nature of objections or anomalies observed with reference to the gathered facts. There may be several observations arising out of the analysis of facts. Observations are also arrived at by evaluating the facts against certain criteria viz. rules, regulations, policies, procedures, norms, good practices or normative principles. Evidence of these criteria (extracts of rules, procedures, etc.) should also be presented as E1, E2, etc.

5. Response of the officials concerned

It is necessary to elicit the reasons and clarifications of the management or the officers concerned for the anomalies pointed out in the observations. Every

deviation from rules or procedure cannot be attributed to a malafide/corrupt intent. There may be situations where it may be difficult to achieve the objectives of a task by strictly abiding by the rules. Rules may be circumvented, while expediting the work or in the larger interest of the work, with good intentions. It is, therefore, essential for Vigilance to distinguish between acts of omission and acts of commission. Therefore, obtaining the response of the officers concerned is essential in order to arrive at an objective conclusion. Response of the management is also necessary in order to clarify differences in interpretation or an understanding of the issues between vigilance and the management.

6. Counter to the response

In order to sustain the observations made by Vigilance, it is necessary to counter the defence given by the management / officers concerned with facts and supporting evidence. It should be clearly and convincingly brought out why the explanation given by the management is not tenable.

7. Conclusion

Conclusion is the logical summation of the observations. The observations denoting various counts of irregularity, lapses or impropriety should finally lead to a logical conclusion on whether the case involves commission of irregularity / impropriety with the intention of corruption. Undue favour given to a party or obtained for self and its adverse impact on the government or the citizens in terms of additional cost, poor quality or delayed service should be clearly highlighted.

8. Responsibility of officials

Having determined the vigilance angle in the case, the next step is to fix the accountability of the individuals involved in the misconduct. Name of officers should be clearly stated in this para. The role of each official should be judged with reference to his prescribed charter of duties. Comments of DA should invariably be included.

9. Recommendation for action

Recommendation for closure of the case in case there is no discernible vigilance angle or criminal misconduct, should be clearly spelt out. Bio-data of the officials reported against in the investigation report should be included in the given format.

10. Recommendation for systemic improvement

Punitive action on detection of corruption does not by itself lead to a logical conclusion unless it is able to prevent recurrence of the lapse. Any fraud, corruption, irregularity or impropriety indicates a failure of control mechanism or

gaps in systems and procedures. Therefore, each case throws up an opportunity to identify these control failures and suggest ways of plugging them to prevent recurrence of the lapse. Therefore, at the end of the report, the CVO should also try to recommend systemic improvements in order to prevent the risk of a recurrence of the lapse / misconduct.

Annexure – II

ASSURANCE MEMO

Organisation's File No.

Date:-

This is to provide reasonable assurance to the Commission: (a) That all necessary facts and relevant evidence(s) have been gathered. (b) That all facts and supporting evidence(s) have been duly verified. (c) That contested evidence(s), if any, has been conclusively handled with reference to the facts at the disposal of this office.

**Chief Vigilance Officer's signature
(Name & Designation to be mentioned)**

Annexure – III**Format of Bio-Data**

1. Name of the officer
2. Designation (a) At present (b) At the time of alleged misconduct
3. Service to which belongs (Cadre and year of allotment in case of officers of the organized /All India Services)
4. Date of birth
5. Date of superannuation
6. Level / group of the present post and pay scale
7. Date of suspension [if under suspension]
8. Disciplinary Rules applicable to the official
9. Involvement of official in previous complaints, if any, and results of investigations / inquiring authority
10. Brief particulars of similar cases, if any, in the organisation in which same or other official might have been involved, and action taken in the matter

Annexure – IV

Tabular Format for obtaining First Stage Advice of the Central Vigilance Commission

S. No	Name and designation of the suspected official	Allegations in brief	Version of the suspected official	Findings of inquiry / investigation on each allegation(s)	Comments / Recommendations of the CVO	Comments / Recommendation of the Disciplinary Authority

Annexure – V**Chief Vigilance Officer's Report for obtaining Second Stage Advice of the
Central Vigilance Commission**

1. Nature of misconduct, in brief [Like false TA claims exceeding delegated powers, supervisory lapses etc.].
2. Allegations /charges in detail [which were investigated/inquired] and results thereof.
3. Version of Charged Officer on established allegations/charges [Separately for each allegation / charge].
4. Reasons, why version of Charged Officer is not acceptable.
5. Misconduct imputed [Whether lack of integrity and /or devotion to duty] with relevant clauses of CDA Rules.
6. Recommendation of CVO and DA, on the findings of the investigating / inquiring authority.
7. Involvement of the official in previous complaints, if any, and results of investigations / inquiries.
8. Brief particulars of similar cases, if any, in the organisation in which same or other official might have been involved, and action taken in the matter.

Annexure-VI

Tabular Format for obtaining Second Stage Advice of the Central Vigilance Commission

Name and designation of the CO	Allegations in brief on each article of charge(s)	Defence statement /CO's brief	Findings of IO on each article of charge	Comments of CVO on IO's findings	Comments / recommendation of the DA, on IO's findings

ACRONYM / ABBREVIATION

Acronym	Full Form
AA	Appellate Authority
CA	Competent Authority
CDA Rules	Conduct, Discipline and Appeal Rules
CO	Charged Officer
CVO	Chief Vigilance Officer
DA	Disciplinary Authority
DOPT	Department of Personnel & Training
DP & ARs	Department of Personnel & Administrative Reforms
FSA	First Stage Advice
I&R	Investigation and Report
IO	Inquiry Officer
OM	Office Memorandum
PO	Presenting Officer
RA	Revising Authority
SPS	Suspected Public Servant
SSA	Second Stage Advice
UPSC	Union Public Service Commission
QPR	Quarterly Performance Report

Notes



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CENTRAL VIGILANCE COMMISSION

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