

No.372/3/2017-AVD.III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated 1.3.2017

OFFICE MEMORANDUM

Subject: Procedure for dealing with cases of disagreement between Disciplinary Authority and CVC – instructions regarding consultation with UPSC thereof.

The undersigned is directed to refer to the OM No. 372/19/2011 – AVD–III (Pt. I) dated the 26th September, 2011 on the above subject which provided for dispensing with second stage consultation with the CVC in disciplinary matters. However, in those cases where consultation with UPSC is not required as per extant rules/instructions, the second stage consultation with CVC was to continue. Further, CVC issued a circular dated 7/12/2012 stipulating that wherein Disciplinary Authorities (DA) tentatively proposes not to impose any of the statutory penalties at the conclusion of the proceedings, the second stage consultation would continue to be made with the Central Vigilance Commission, involving Group 'A' officers of the Central Government, members of All India Services and such other categories of officers of the Central Government involved in composite cases.

2. Despite clear instructions on the subject some instances have come to the notice where Ministries and Departments are not following the above guidelines leading to delay in disposal of the disciplinary cases.

3. The matter has been considered in consultation with UPSC and CVC and following are being reiterated:

- (i) All cases, where the Disciplinary Authority (DA) decides to impose a penalty after conclusion of the proceedings and where UPSC consultation is required as per existing rules/instructions, shall not be referred to the CVC for second stage consultation.
- (ii) The CVC circular 8/12/14 of 3rd December, 2014 stipulates that all such cases where the DA proposes to take any action which is at variance with the Commission's first stage advice would continue to be referred to the Commission for obtaining second stage advice. In this regard it has now been clarified by CVC that the aforementioned circular applies only to the disciplinary cases of non-Presidential appointees including officials of CPSEs, Public Sector Banks, and Autonomous Bodies etc. The above instructions, therefore, do not apply to the cases of the officers of Group A services of the Central




Government, All India Services (AIS) and such other categories of officers of the Central Government where consultation with UPSC is necessary before imposition of any of the prescribed penalties.

4. In a situation where on conclusion of the departmental proceedings, DA is of the tentative view that no formal penalty needs to be imposed in respect of officers of Group 'A' services of the Central Government, All India Services (AIS) & such other categories of officers of the Central Government and refers the case for second stage consultation with CVC and if CVC advises imposition of a penalty which the DA on consideration decides not to accept, then this becomes a case of disagreement between DA and CVC which as per standing instructions require resolution by DoPT.

5. All Ministries/Departments are, therefore, advised to strictly adhere to these instructions.

6. Hindi version will follow.


(Devesh Chaturvedi)

Joint Secretary to the Govt of India

To

1. All Ministries/Departments as per standard list.
2. Central Bureau of Investigation, CGO Complex, New Delhi.
3. Prime Minister's Office, South Block, New Delhi.
- ✓ 4. NIC, DOP&T for uploading on the website of the Department.

Copy to :-

1. Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.
2. Central Vigilance Commission, Satarkata Bhawan, New Delhi - with the request to amend the Central Vigilance Manual and other relevant instructions accordingly.