

No.C.13012/21/2009-C.V.O
GOVERNMENT OF PUDUCHERRY
CONFIDENTIAL AND CABINET DEPARTMENT
CHIEF VIGILANCE OFFICE

Puducherry, the

I.D. NOTE / OFFICE MEMORANDUM

22 AUG 2016

Sub: CVO, Chief Secretariat – Improving Vigilance
Administration-Timely completion of disciplinary
proceedings- Reg.

Instances have been brought to the notice of this office that the Disciplinary Authorities/Appellate Authorities are not adhering/following the time schedule for finalization of disciplinary cases. In most of the cases, it has been seen that the disciplinary action had either been instituted belatedly or being dragged for years together. The belated institution of disciplinary action against an official who had committed serious misconduct makes him to evade punitive action for long periods. They have an adverse impact on others who believe that 'nothing will happen'. On the other hand, the delayed institution of disciplinary action is unjust to the officials who may be ultimately acquitted and makes him to languish for years together. Various courts are also very critical about the delay in institution of disciplinary action against the delinquent officials and it even went to the extent of directing the Disciplinary Authorities concerned to drop the proceedings contemplated/instituted.

2. This office has observed that number of factors contribute to the delay in the conduct of departmental inquiries and with prudent management this needs to be checked. Hence, the Disciplinary Authorities/Inquiry Officers/Administrative Authorities are advised to ensure and that the following steps may be ensured and complied with strictly:-

- (i) In cases where investigation has been conducted by the CBI/ other investigating agency and the documents have been seized by them for prosecution in courts and RDA is also contemplated, it is the responsibility of the DA to procure from the CVO/CBI/investigating agency legible certified copies of seized documents required for RDA. In cases investigated by CVOs it must be ensured that certified legible photocopies of all documents are made available at the time of preparation of draft charge-sheet itself.
- (ii) While drafting the charge-sheet it may be ensured that all the relied upon documents as well as copies of relevant rules/instructions are in the custody of CVO. After issue of charge-sheet and submission of defence statement, the DA is required to take a decision within 15 days for appointment of IO/PO in major penalty cases.
- (iii) As far as practicable, the IO should be chosen from amongst the serving officers/retired officers in the same station where the charged officer is posted, who is likely to continue till the conclusion of inquiry.
- (iv) It may be ensured that the PO is appointed simultaneously. Changes in IO/PO be resorted to only in exceptional cases under intimation to the CVO
- (v) In cases involving more than one charged officer, it may be ensured that, as far as practicable, same IO/PO is appointed in all cases.

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- (vi) The PO must keep copies of relevant Rules/Regulations/Instructions etc. readily available with him. Departments/Organisations should also ensure online availability of all their Rules/Regulations/Instructions etc. so that it can be downloaded during the inquiry proceedings without any loss of time.
- (vii) It may be ensured that the defence documents are made available within the time allowed by the IO. Responsibility should be fixed on the custodian of such documents for any undue delay/not producing it in time or loss of these documents.
- (viii) The IO should normally conduct Regular Hearing on a day to day basis and not grant more than one adjournment for appearance of witnesses. It may be ensured that all the prosecution or defence witnesses are summoned and examined in separate but simultaneous batches expeditiously.
- (ix) If witnesses do not appear in response to notices or are not produced by PO/CO as the case may be, powers conferred under the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 be exercised to request the Competent Court to pass orders for production of the witness through summons issued by the Court.
- (x) The IO should, as far as practicable, desist from allowing interlocutory documents sought either by the PO or the CO as additional documents during the deposition of witnesses.
- (xi) The time-limit for various stages of inquiry, as prescribed in the I.D.Note/Memorandum No.31011/10/2009-C.V.O, dated 09.10.2009 shall be complied with strictly by the disciplinary authorities and the inquiry officers (Copy enclosed).
- (xii) Where the CO or PO do not co-operate in the manner of attendance, production of documents, witnesses etc., IO may after affording reasonable opportunity, proceed to give a report ex-parte based on facts, documents, witnesses produced before him.

3. It is reiterated that the timely completion of departmental inquiry/departmental proceedings is the prime responsibility of the Disciplinary Authorities. Therefore, all the Secretaries to Govt. are instructed to monitor the progress of disciplinary cases on regular basis and to ensure that the inquiry/departmental proceedings are completed within the time limit. In case there is any laxity or unexplained delay is observed on the part of the disciplinary/administrative authority, the Chief Vigilance Officer, Puducherry may fix responsibility on the authority concerned and recommend adverse action against them.

/ By Order of the Chief Vigilance Officer /


(M. KANNAN)

UNDER SECRETARY TO GOVERNMENT

Encl: As stated.

To
All Secretaries/Special Secretaries to Govt., Puducherry.
All Heads of Department/Offices, Puducherry.

No.31011/10/2009-C.V.O
GOVERNMENT OF PUDUCHERRY
CONFIDENTIAL AND CABINET DEPARTMENT
CHIEF VIGILANCE OFFICE

Puduherry, the 09. 10. 09

I.D.NOTE / MEMORANDUM

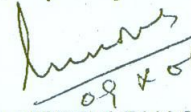
Sub: Delay in finalisation of different stages of disciplinary cases-Time schedule for finalization of disciplinary cases-Instructions issued-Reg.

Ref: This Department's U.O.Note/Memorandum
No.C.13015/18/93-C.V.O, dated 13.7.1993

It is noticed by the Chief Vigilance Officer/Chief Secretary with concern that the time schedule for disposal of disciplinary proceedings are not strictly followed. In some cases due to inordinate delay, the delinquent officials are left to go scot-free on voluntary/normal retirement. In some cases, the delay in the issue of charge sheet etc has resulted in giving promotion to the officials who are to face grave charges. Delay had led to quashing of charge sheet and even the entire disciplinary proceeding by Tribunals/Courts. Further, the delayed disciplinary proceedings lose their relevance.

2. Therefore, all Secretaries/Special Secretaries to Government / Heads of Department/Heads of Offices/Chief Executives of Public Sector Undertakings/Local Bodies are again requested to strictly adhere to the time schedule as communicated in the U.O.Note/Memorandum cited under reference (copy enclosed) for finalization of various stages of the disciplinary proceedings and ensure expeditious disposal of the disciplinary cases.

(By Order)



(G.THEVA NEETHI DHAS)
SPECIAL SECRETARY TO GOVERNMENT

Enclosure: As above.



To

1. All Secretaries/Special Secretaries to Government, Puducherry.
2. All Heads of Departments/Offices, Puducherry
3. All Chief Executives of Public Sector Undertakings/Local Bodies, Puducherry.

CONFIDENTIAL

No.C.13015/18/93-CVO
Government of Pondicherry
Confidential and Cabinet Department
(CHIEF VIGILANCE OFFICE)

Pondicherry, the 13-7-193.

U.O.NOTE/MEMORANDUM

Sub:- Time schedule for finalisation of different stages of the disciplinary cases.

Of late, instances of inordinate delay on many cases pertaining to disciplinary proceedings have come to the notice of the Government and it has hence become essential that cases of disciplinary proceedings should be processed with optimum speed so as to avoid mental agony to the Government Servant concerned besides minimising the time gap in booking the culprit for the offences committed by him.

2. Accordingly, the following time schedule is stipulated for adoption at various stages.

<u>stage of the case</u>	<u>Maximum time limit to be taken</u>
I. Submission of Investigation report to the Chief Vigilance Officer by the Superintendent of Police, Vigilance and Anti-Corruption Police Unit, Pondicherry.	: - 90 days.
II.	
(i) Issue of charge sheet by the Department	: - 20 days
(ii) Submission of written reply by the Government servant.	: - 10 days another 10 days (on genuine grounds)
(iii) Appointment of Inquiry Officer and Presenting Officer	: - 30 days
(iv) Submission of Inquiry report to the Disciplinary Authority	: - 60 days
(v) Issue of final orders by the Disciplinary Authority	: - 50 days
TOTAL	<u>180 days</u>

. . . 2/

3. All the authorities concerned should scrupulously observe the time limits stipulated above and see that the cases are completed expeditiously. The authorities superior to the disciplinary authority are required to exercise a strict check on cases in which delay has occurred and give appropriate direction to them.

4. Any deviation in the above time schedule or delay will be viewed seriously and the responsibility for the deviation / delay will be fixed on those officers who are directly or indirectly responsible for such lapses.

5. Receipt of the U.O./Note/Memorandum may be acknowledged.

SUBHASH SHARMA
CHIEF SECRETARY TO GOVERNMENT -CUM-
CHIEF VIGILANCE OFFICER.

/FORWARDED / BY ORDER /

S. Narayan
13.7.93
(S.NARAYAN)

To

UNDER SECRETARY TO GOVERNMENT

1. All Secretaries to Government.
2. All Heads of Departments / offices with a request to communicate a copy of the above orders to all the Disciplinary Authorities under their control for compliance.
3. The Superintendent of Police, Vigilance and Anti-Corruption Police Unit in continuation of this office memorandum No. O.13012/10/90-CVD dt. 25-1-1993 for strict adherence to the time limit.

Copy to:-

The Under Secretary to Government
(Departmental Inquiries)
Chief Secretariat,
PONDICHERRY.

/ TRUE COPY /

M. Gunasekaran
M. GUNASEKARAN
SUPERINTENDENT
CHIEF VIGILANCE OFFICE
CHIEF SECRETARIAT
PUDUCHERRY