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EPFO, HEAD OFFICE

MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA
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Vigilance Division

No: Vig./Coord/CVC-Correspondence/Part-File/2020/464

Date: 20 FEB 2023

To

All ACC(HQ)/ACC(In charge of Zones)/Director
PDUNASS/Divisional
Heads of Head Office/All RPFC-I/II(In charge of ROs)

Sub: Timely finalization of Departmental Inquiry Proceedings - improving vigilance administration & Disposal of Disciplinary Proceedings in composite cases - regarding

Ref: Discussions during the Zonal Review Meeting at PDNASS on 15.02.2023

Sir/Madam,

Please find enclosed herewith the following circulars on the subject cited:

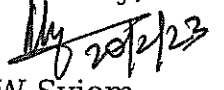
1. EPFO Circular No. Vig/Coord/DP/Gen/2020/715 dated 05.08.2020 regarding "Disposal of Disciplinary Proceedings in composite cases"
2. CVC Circular No. 000/VGL/018 dated CVC 03.12.2021 & Circular No. 000-VGL-18-469044 dated 14.12.2020 regarding "Timely finalization of Departmental Inquiry Proceedings - improving vigilance administration" and
3. CVC Circular No. 000/VGL/018 dated 08.12.2021 regarding monthly report of inquiries

As instructed by CPFC during the course of deliberations on 15.02.2023, these circulars are once again provided with a request to ensure strict adherence to the timelines stipulated as well as to ensure that monthly reports are received from all Inquiry Officers.

(This issues with the approval of CVO)

Encl: As above.

Yours faithfully,



R W Syiem
RPFC-I (Vigilance)

Email:

cvo@epfindia.gov.in

सतर्कतामुख्यालय
VIGILANCE HEADQUARTERS
 कर्मचारीभविष्य निधि संगठन
 Employees' Provident Fund Organisation
 (श्रममंत्रालय, भारतसरकार)
 (Ministry of Labour, Govt. of India)
 14, भीकाजीकामाप्लेस नई दिल्ली- 110066
 14, Bhikaiji Cama Place, New Delhi -110066

Vig/Coord/DP/Gen/2020/715

Dated ... 05 AUG 2020

To

All ACC HQ/ACC incharge of Zonal Offices / ACC(ASD)/Director, PDUNASS
 All RPFC incharge of ROs.

Sub: Disposal of Disciplinary Proceedings in composite cases – reg.

Sir/Madam,

Please find enclosed herewith CVC circular dated 20/07/2020 wherein the CVC has reiterated the provisions laid down in para 7.38 of chapter VII of Vigilance Manual, 2017 that the Appellate Authority is expected to keep in view the advice tendered by the CVC /penalty imposed by the Disciplinary Authority and decide the appeal .

2. Attention is also drawn on the provisions laid down in para 1.6.6 of chapter I of Vigilance Manual, 2017 that in all composite cases where the CVC has tendered first stage advice , after the conclusion of oral inquiry and before the issuance of final order, it is mandatory to consult CVC for second stage advice if the opinion of the Disciplinary Authority(DA) is at variance with the first stage advice. As per the said provision if there is no deviation from the first stage advice the case shall be dealt with at the level of CVO. Thus in composite cases where Group B/C officials are also involved, the advice the CVC is expected to be keep it view while passing final order in a disciplinary proceeding and should be referred to the CVO before passing the final order .

3. Keeping in view the CVC circular dated 20/07/2020 and the provisions laid down in Vigilance Manual, 2017 the following directions are issued for strict compliance while conducting disciplinary proceedings under EPF Staff(CCA)Rules 1971 in cases where vigilance angle is present :

- (i) Composite cases are those vigilance cases where non-Group A officials are also involved alongwith those belonging to Group A. The RPFC in charge of the region is the Disciplinary Authority(DA) in respect of officials belonging to the cadres of SS/SSA/Sr.SSA/LDC/UDC/MTS in terms of

Rule 8 of EPF Staff(CCA) Rules 1971. In all such composite cases, where the disciplinary proceedings against the non-group-A officials involved are conducted by the RPFC-in charge, being the DA, after conclusion of the oral inquiry and before passing final order a reference shall be made to the CVO, with the opinion view of the DA.

- (ii) The ACC in charge of zones are designated as Appellate Authorities for the aforesaid non -Group A officials. In cases where the CVC has tendered advice, the Appellate Authority is expected to keep the advice in view while deciding the appeal of a non-Group A official involved in a composite case.
- (iii) There are a substantial number of cases in which the Vigilance HQ on receipt of complaint or other source information has conducted investigation and recommended initiation of disciplinary proceedings against officials of Group B/C/D cadres. In such cases the RPFC-I being the DA issues the chargesheet and conducts the disciplinary proceedings. It is observed that the view of the CVO is not being sought during final disposal of such disciplinary proceedings. In all cases where the recommendations for initiation of disciplinary proceedings is given by Vigilance HQ, the view of the CVO shall be obtained before issuance of final order by the DA in the matter. The advice of the CVO shall also be kept in view by the Appellate Authority while disposing of appeals in such cases.

The instructions as above shall also apply to disciplinary proceedings in respect of officials in Head Office for whom the RPFC in charge of ASD is the Disciplinary authority and ACC (ASD) is the Appellate Authority.

(Issues with the approval of the CVO)

Yours faithfully



(Nisha O.V)

Regional PF Commissioner-I(Vig.)

50878/2020/VIGILANCE

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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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

सं./No. 000/DSP/001

दिनांक / Dated 20.07.2020

Circular No.05/07/2020


Sub. Reporting cases of deviations by Appellate / Reviewing Authorities by Chief Vigilance Officers.

Ref.: Commission's Circular Nos.000/DSP/1 dated 10.02.2003 and 05.03.2003.

In terms of the provisions laid down in para 7.38 of Chapter-VII of the Vigilance Manual, 2017 and above mentioned Circulars, in matters of appeal, the Appellate Authority is expected to keep in view the advice tendered by the Commission / penalty imposed by the Disciplinary Authority and decide the appeal. Further, in case the Appellate Authority / Reviewing Authority decides to deviate from the advice given by the Commission and final orders issued by the concerned Disciplinary Authority, the CVO is required to report such individual cases decided at appeal / review stage to the Commission which would thereafter take an appropriate view whether the deviation is serious enough to be included in its Annual Report.

2. Of late, it has been observed that such deviations at the stage of the Appellate Authorities are not being timely reported to the Commission by the Chief Vigilance Officers (CVOs) of the Organisations. In addition, such deviations are also to be reported in the Quarterly Performance Reports (QPRs) being submitted online by the CVOs every quarter under the head "Part 5.(D)- Appellate Authority (Deviation / Non-acceptance)".

3. The Commission while reiterating these instructions would advise all Chief Vigilance Officers to report to the Commission such individual case of deviation without any delay immediately after decision / orders issued at the Appellate / Review stage and also indicate in the relevant column in the QPRs filed by the Chief Vigilance Officers.


(J. Vinod Kumar)
Director

To: All Chief Vigilance Officers.



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सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No.....000/VGL/018

दिनांक / Dated.....03.12.2021

Circular No. 21/12/21

Subject:- Timely finalization of Departmental Inquiry Proceedings -improving vigilance administration.

Reference: - (i) Commission's Circular No. 8(1)(g)/99(2)	dated 19.02.1999
(ii) Commission's Circular No. 8(1)(g)/99(3)	dated 03.03.1999
(iii) Commission's Circular No. 3(v)/99(7)	dated 06.09.1999
(iv) Commission's Circular No. 000/VGL/18	dated 23.05.2000
(v) Commission's Office Order No. 51/08/2004	dated 10.08.2004
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016
(vii) Commission's Circular No. 18/12/20	dated 14.12.2020
(viii) Commission's Circular No. 19/09/21	dated 06.10.2021

The Central Vigilance Commission, as part of its functions of exercising superintendence over vigilance administration of the organizations covered under its advisory jurisdiction has, time and again, laid emphasis on timely completion of disciplinary proceedings.

2. However, it has been observed that in cases where Regular Departmental Action for Major Penalty has been initiated, one of the main reasons for delay in completion of disciplinary proceedings is due to the delay caused in the inquiry proceedings being conducted by the Inquiry Officers. The Commission, vide its Circular dated 03.03.1999 had prescribed the model time limit for the Inquiry Officers for conducting departmental inquiries. The same was reiterated vide circular dated 18.01.2016. The Model time limit is again reproduced below:-

Stage of Departmental Inquiry	Time limit prescribed
<ul style="list-style-type: none"> Fixing date of Preliminary Hearing and inspection of listed documents, submission of Defence Documents/witnesses and nomination of a Defence Assistant (DA) (if not already nominated) 	Within four weeks from the date of appointment of Inquiry Officer.

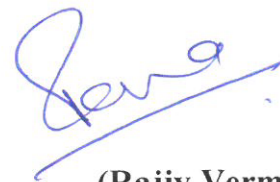
558015/2023/VIGILANCE

<ul style="list-style-type: none"> • Inspection of relied upon documents/submission of list of Defence Witnesses/Defence Documents/Examination of relevancy of Defence Documents/ Defence Witnesses, procuring of additional documents and submission of certificates confirming inspection of additional documents by CO/DA • Issue of summons to the witnesses, fixing the date of Regular Hearing and arrangement for participation of witnesses in the Regular Hearing • Regular Hearing on Day to Day basis 	3 months
<ul style="list-style-type: none"> • Submission of Writing Brief by PO to CO and IO 	15 days
<ul style="list-style-type: none"> • Submission of Written Brief by CO to IO 	15 days
<ul style="list-style-type: none"> • Submission of Inquiry Report from the date of receipt of Written Brief by PO/CO 	30 days

3. The Commission has directed that the above time schedule should be brought to the notice of all Inquiry Officers (already appointed/to be appointed in future) for strict compliance.

4. The Commission has further directed that all the Inquiry Officers be asked to submit a monthly report to the Disciplinary Authority concerned, indicating the present status/progress of the inquiry proceedings being conducted by them. A copy of the monthly report should also be endorsed to the CVO of the organizations concerned, by the Inquiry Officer. In case, it is found that the inquiry proceedings are getting delayed beyond the prescribed time limit, the CVO concerned should immediately take up the matter with the Inquiry Officer and Disciplinary Authority concerned to ensure timely action.

5. The above instructions may be noted for strict compliance and may also be brought to the notice of all the Disciplinary Authorities and Inquiry Officers.



(Rajiv Verma)
Director

To

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



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No.....000/VGL/018

दिनांक / Dated.....08.12.2021

Circular No. 22/12/21

Subject:- Timely finalization of Departmental Inquiry Proceedings -improving vigilance administration.

Reference: - (i) Commission's Circular No. 8(1)(g)/99(2)	dated 19.02.1999
(ii) Commission's Circular No. 8(1)(g)/99(3)	dated 03.03.1999
(iii) Commission's Circular No. 3(v)/99(7)	dated 06.09.1999
(iv) Commission's Circular No. 000/VGL/18	dated 23.05.2000
(v) Commission's Office Order No. 51/08/2004	dated 10.08.2004
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016
(vii) Commission's Circular No. 18/12/20	dated 14.12.2020
(viii) Commission's Circular No. 19/09/21	dated 06.10.2021
(ix) Commission's Circular No. 21/12/21	dated 03.12.2021

Attention is invited to Commission's Circular No. 21/12/21 dated 03.12.2021, vide which it was directed that Inquiry Officers, appointed by the organizations to conduct departmental inquiries, are required to submit a monthly report indicating present status/progress of the inquiries being conducted by them.

2. The Commission has desired that for the sake of uniformity and clarity, the information regarding the status of inquiry proceedings may be obtained from the Inquiry Officers, in the format as enclosed as **Annexure-I**, to this circular. The monthly report may be submitted by the Inquiry Officers, latest by 10th day of the succeeding month.

3. It may be noted that information should be obtained from the Inquiry Officers in respect of ongoing inquiries and also in respect of departmental inquiries, that may be instituted in future.

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4. The CVOs may bring the enclosed format to the notice of all the Disciplinary Authorities and Inquiry Officers for compliance of Commission's guidelines, issued vide Circular No. 21/12/21 dated 03.12.2021.



(Rajiv Verma)
Director

To

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

Name of Organization _____

Name of Inquiry Officer _____

Report for the month of _____

Annexure-I

S. No.	Name and Designation of CO	Date of appointment of IO	Date of Preliminary Hearing	Whether Brief Hearing required. If Yes, date of Brief Hearing	No. of Regular Hearings held till the end of the month	Dates of Regular Hearing	Date of submission of PO's Brief	Date of submission of Defence Brief	Date of submission of IO's report	Time taken since appointment as IO (upto the stage inquiry has progressed so far)	Whether time limit given in Commission's Circular No. 21/12/21 dated 03.12.2021 is being adhered to. If not, reasons thereof
1	2	3	4	5	6	7	8	9	10	11	12

Signature of Inquiry Officer

To,
Disciplinary Authority

Copy to:- Chief Vigilance Officer

Note:- Report to be submitted by IO by 10th day of every month to DA with copy to CVO.

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सत्यमेव जयते



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं./No.....No. 000-VGL-18-469044

दिनांक / Dated...14.12.2020

Circular No.18/12/20

Subject: Timely finalization of Departmental Inquiry Proceedings-improving vigilance administration.

Ref:

(i) Commission's Circular No. 8(1)(g)/99(2)	dated 19.02.1999
(ii) Commission's Circular No. 8(1)(g)/99(3)	dated 03.03.1999
(iii) Commission's Circular No. 3(v)/99(7)	dated 06.09.1999
(iv) Commission's Circular No. 000/VGL/18	dated 23.05.2000
(v) Commission's Office Order No. 51/08/2004	dated 10.08.2004
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016

The Central Vigilance Commission as part of its functions of exercising superintendence over the vigilance administration of the organizations covered under its advisory jurisdiction and for bringing about improvement and efficiency in the same, has been emphasizing on timely initiation and completion of the disciplinary proceedings, wherever required. The Commission is of the view that any delay in initiation or finalization of the disciplinary action is neither in the interest of the organization, nor that of the official concerned.

2. Guidelines have been issued by the Commission in this regard, defining the time limits for various stages of disciplinary proceedings, in order to ensure that there is no undue delay on the part of the concerned authorities/officials. However, it is observed that despite clear guidelines issued by the Commission and Department of Personnel & Training (DoP&T), the authorities/officials concerned are not adhering to the prescribed time-limit and the disciplinary proceedings in some cases take much longer time, which leads to unwarranted delay in finalization of disciplinary case. Any unexplained, undue delay may also be a cause of unnecessary litigation and provide undue advantage/harassment to the charged officer. Such delays on one hand help in evading penalty on guilty officials, while prolonging the agony of the officials who may have been charge-sheeted wrongly in few cases and are finally exonerated.

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3. The delay in completion of departmental proceedings on the part of the organization concerned has also attracted adverse comments from the Hon'ble Supreme Court of India in Civil Appeal No. 958 of 2010 Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr in its judgment dated 16.12.2015.

4. In continuation of CVC's guidelines dated 23.05.2000 and DoPT OM dated 14.10.2013, the Commission therefore, to ensure prompt/timely action in disciplinary matters where major penalty proceedings have been initiated/are to be initiated, the following time limit may be adhered to: -

Sl. No.	Stage of disciplinary action	Time Limit
1.	Issue of Charge Sheet to the stage of appointment of IO and PO	All the required actions may be completed within a period of 02 months from the date of issue of First Stage Advice of the Commission.
2.	Conducting departmental inquiry and submission of report by the Inquiry officer (I.O.)	The inquiry report should be submitted within 6 months from the date of appointment of inquiry officers
3.	Overall additional time for all/any of the above stages of disciplinary proceedings, due to some unavoidable/unforeseen circumstances	In addition to the above time limit, a period of 1 more month may be taken, if required.

5. The Commission desires that the above time limit should be adhered to strictly by the authorities in the organisations concerned. Since initiation and conduct of disciplinary proceedings is within the domain of the disciplinary authority concerned, the CVOs may bring the above guidelines of the Commission to the notice of the competent authorities for compliance.

(Rajiv Varma)
Officer on Special Duty

To

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

Copy to:

Department of Personnel & Training [Shri Lok Ranjan, Additional Secretary, DoP&T], North Block, New Delhi-110 001 for information and necessary action.