



वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्
अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली-110001
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001

संख्या 15-6(82)/98-ओ एंड एम -II

स्पीड पोस्ट/दस्ती
दिनांक: 22 नवम्बर, 2016

No.

प्रेषक

From

मुख्य सतर्कता अधिकारी
Chief Vigilance Officer

To

सीएसआईआर के सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के निदेशक/प्रधान
The Directors/Heads of all National Labs./Instts. of CSIR

Sub.: Standard operating procedure regarding legal cases where Central Vigilance Commission has been made respondent alongwith the organizations concerned- reg.

विषय: कानूनी मामलों में जहां केंद्रीय सतर्कता आयोग को संबंधित संगठनों के साथ-साथ प्रतिवादी बनाया गया है के बारे में मानक संचालन प्रक्रिया के संबंध में।

Sir/महोदय,

उपरोक्त विषय पर केंद्रीय सतर्कता आयोग, भारत सरकार, द्वारा प्रेषित दिनांक 05.10.2016 के परिपत्र सं. 11/09/2016 (016/Misc/Legal/005) की एक प्रति सूचना, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अग्रेषित कर रहा हूँ। कृपया सभी सम्बन्धित अधिकारियों के संज्ञान में लाया जाए।

I am to forward herewith a copy of the Circular No. 11/09/2016 (016/Misc/Legal/005) dated 05.10.2016 of the Central Vigilance Commission, Govt. of India, on the subject cited above for information, guidance and necessary action. Please bring it to the notice of all concerned.

भवदीय/Yours faithfully,

(इंदु भास्कर /Indu Bhaskar)

मुख्य सतर्कता अधिकारी/Chief Vigilance Officer

संलग्नक: यथोपरि

प्रतिलिपि :

1. महानिदेशक, सीएसआईआर का कार्यालय
2. संयुक्त सचिव (प्रशासन), सीएसआईआर का कार्यालय
3. वित्तीय सलाहकार, सीएसआईआर का कार्यालय
4. विधि सलाहकार, सीएसआईआर का कार्यालय
5. सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के वरिष्ठ प्रशा. नियंत्रक /प्रशा. नियंत्रक/प्रशा. अधिकारी
6. सीएसआईआर मुख्यालय/कॉम्प्लैक्स के वरिष्ठ उप सचिव / उप सचिव
7. प्रमुख आईटी प्रभाग इस पत्र को सीएसआईआर वेबसाइट पर उपलब्ध कराने हेतु

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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
016/Misc/Legal/005

सं./No.....

05.10.2016

दिनांक / Dated.....

Circular No. 11/09/2016

Subject: Standard operating procedure regarding legal cases where Central Vigilance Commission has been made respondent alongwith the organizations concerned.

The Central Vigilance Commission, under the provisions contained in Section-8(1)(g) and Section-17(2) of the CVC Act, 2003 has the mandate to tender 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, regarding the officers covered under its advisory jurisdiction as defined under Section 8(2) of the CVC Act, 2003.

The Central Vigilance Commission takes a considered view regarding the further course of action to be taken in respect of officers/cases as mentioned above, based on the records/evidence/material available with it and should advise either prosecution of the Suspected Public Servant or initiation of appropriate disciplinary proceedings or for imposition of appropriate penalty as the case should be, based on the irregularities noticed on their part.

3. The officers concerned, against whom action has been advised by the Central Vigilance Commission, sometimes feel aggrieved by the advice of the Central Vigilance Commission and approach either Central Administrative Tribunal or other Courts of Law with the prayer to get the advice tendered by Central Vigilance Commission and subsequent disciplinary action against them quashed. The Central Vigilance Commission and/or its officers, alongwith the organization concerned to whom the officer belongs and the Disciplinary Authority of the petitioner officer are made respondents by them.

4. In such cases, where the Central Vigilance Commission has been named as a respondent alongwith the organization concerned/other respondents, the authorities concerned in the organization, immediately on receipt of a notice from the respective court or on receipt of advance copy of the petition/application/plaint etc. should bring the same to the notice of the Chief Vigilance Officer of the organization. The Chief Vigilance Officer of the organization

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should inform the Central Vigilance Commission immediately about the court case. The Chief Vigilance Officer should also forward a self contained note containing a summary about the issues raised in the petition/application/plaint etc., indicating the paras where Central Vigilance Commission's actions have been described/questioned and also quoting the Central Vigilance Commission's references/correspondences exchanged with the organization concerned relating to the case mentioned before the Court/Central Administrative Tribunal etc., if any.

5. During the intervening period, when correspondence is being made by the Chief Vigilance Officer of the organization with the Central Vigilance Commission and prior to receipt of its specific advice/directions, the Chief Vigilance Officer of the organization concerned should ensure that the Central Vigilance Commission's and its officers' interest are duly protected before the Court, if the case comes up for hearing. The Chief Vigilance Officer and/or any other authority concerned of the organization, should suitably brief the counsel/advocate of the organization about Central Vigilance Commission's functions and powers and its advisory jurisdiction, as mandated under Section 8 and 17 of the CVC Act, 2003 to suitably apprise the court accordingly. Provisions contained under Section 15 of the CVC Act, 2003 stating that "*No suit, prosecution or other legal proceeding shall lie against the Commission, the Central Vigilance Commissioner, any Vigilance Commissioner, the Secretary or against any staff of the Commission in respect of anything which is in good faith done or intended to be done under this Act*" should also be brought to the notice of respective Courts, through the organization's counsel/advocate in order to get the name of the Central Vigilance Commission or its officers deleted from the list of respondents.

6. Many a times, petitioners/applicants/plaintiffs approach the Courts alleging corrupt/inappropriate activities against various Govt. organizations and/or by public servants and seek investigation about such inappropriate activities through Central Vigilance Commission. In case they had made complaint to the Central Vigilance Commission earlier regarding the issues mentioned before the court, they point out this fact in their petition/prayer and sometimes express dissatisfaction about the action taken by the Central Vigilance Commission on their complaints, as should have been intimated to them. In such cases also, immediately on receipt of a notice from the respective court or on receipt of advance copy of the petition/application/plaint etc., the authorities concerned in the organization should bring the same to the notice of the Chief Vigilance Officer of the organization immediately. The procedure as prescribed in paras (4) and (5) above should be followed in respect of such cases also.

7. Wherever a need arises to debate or argue, before the respective Courts, the merits of specific advice tendered by the Central Vigilance Commission in a particular case or action taken by it on an individual complaint or any other action of Central Vigilance Commission, the organization should seek specific comments and advice of Central Vigilance Commission before informing/apprising the Court through their counsel/advocate.

8. The Chief Vigilance Officers should suitably sensitise/ inform the officers of their organizations about the guidelines as given above.
9. This issues with the approval of the Commission.


7/10/16

(Praveen Sinha)
Additional Secretary

To:-

All Chief Vigilance Officers of Ministries / Departments / CPSEs / Public Sector Banks / Insurance Companies / Autonomous organizations / Societies etc.