

**DAMODAR VALLEY CORPORATION
OFFICE OF CHIEF VIGILANCE OFFICER
DVC TOWERS: KOLKATA-54**

No. CVO/DVC/1

Date: 24-01-11

VIGILANCE CIRCULAR No. 1.

Sub: Procedure for Vigilance Clearance.

There is hardly any need to emphasize the importance of ensuring the integrity of public servants for a clean administration. CVC has issued instructions from time to time to improve the vigilance administration in the organizations and to ensure that the posts in the organizations are occupied by persons with exemplary service and clean vigilance track records. Accordingly a system had been evolved for according vigilance clearance for certain management decisions to encourage and promote the culture of honesty in the public sector enterprises.

Against the said backdrop and keeping in mind the importance of this mandatory function to be performed by the vigilance organization and various instructions on the subject, the following guidelines as complementary and supplementary to extant rules and regulations are hereby issued to streamline the process of granting vigilance clearance in DVC::

1. **Requirement of Vigilance clearance:** Vigilance clearance is required to be obtained for the following purposes:-
 - (a) Posting of officials in the Vigilance Organization.
 - (b) Posting on foreign deputations/Projects/assignments.
 - (c) Foreign trainings/seminars/visits.
 - (d) Issue of NOCs for private visits abroad/passport.
 - (e) Posting in positions carrying special pay/allowance.
 - (f) Promotions/looking after arrangements.
 - (g) Appointment on absorption in DVC.
 - (h) Confirmation after probation.
 - (i) Forwarding of applications for deputations to other organizations.
 - (j) Repatriation of deputationists to their parent cadre.
 - (k) Conferment/grant of award for outstanding contribution to DVC business etc.
 - (l) Releasing of final dues/withheld payments of the employees.
 - (m) Superannuation/ resignation/ voluntary retirement/Compulsory retirement/ premature retirement through review.
 - (n) Extension/ Re-employment / Commercial employment after retirement.

- (o) Giving Additional/concurrent Charge.
- (p) Engagement of retired persons.
- (q) Empanelment/appointment of serving/retired DVC officers as Arbitrators/ Inquiry Officers

2. Salient points to be considered while giving vigilance clearance by the Vigilance units:-

- (a) Contemplation/pendancy of vigilance cases on the date of vigilance clearance requirement.
- (b) Consideration from the vigilance point of view against posting to sensitive posts.
- (c) Inclusion in the Agreed list/ODI list.
- (d) Cases pending in CDA rules proceedings.
- (e) Any other case where enquiry has resulted in major/minor penalty.
- (f) **Promotions:** While considering cases of promotions, extant rules and instructions issued from time to time may be followed by the Competent Authority. It is however, clarified that promotions should not be withheld merely because a case has been registered by CBI against the employee or the complaints against him/her are being looked by the Corporation's Agencies. As per the rulings of the Hon'ble Supreme Court, an employee who is otherwise eligible and who is not undergoing any penalty under the rules governing disciplinary proceedings should not be denied consideration for promotion by the Departmental Promotional Committee. Promotions can be withheld only in the following circumstances:
 - (i) Where Public servant is under suspension;
 - (ii) Where Public servant in respect of whom a charge sheet has been issued and disciplinary proceedings are pending.
 - (iii) Public servant in respect of whom prosecution for a criminal charge is pending
 - (iv) Public servants who are undergoing a penalty imposed by the disciplinary authority or sentence ordered by a court of law.

It, therefore, follows that vigilance clearance for promotion cases shall be withheld by the vigilance branch under the above situations only duly informing the competent authority about the circumstances that are applicable to the employee concerned. However, the following facts should be placed for the information of the competent Authority/HR Division considering the suitability of the employee for promotion:

1. From the preliminary/regular enquiry/investigation by Vigilance Division, prima facie, the culpability of the concerned officer has been established

2. Whether the name of the employee is in Agreed List or in the List of Doubtful Integrity.

Further, it must be ensured that there is no delay in issuing the charge-sheet after a decision has been taken to initiate penalty proceedings. It may be brought to the notice of all concerned that any delay in issuing the charge-sheet resulting in promotion of the erring public servant shall be construed as a deliberate attempt to derive undue and unintended advantage of the rulings. Such abnormal delays in implementation of the vigilance advices after a decision has been taken to initiate penalty proceedings would, therefore, reinforce a conclusion as to the presence of vigilance angle.

The procedure being followed for promotion should also be followed for confirmation duly keeping in view the instructions issued from time to time in this respect.

(g) **No objection certificate for issue of passport:** Before issue of NOC to an employee for obtaining passport, the following points are to be verified and in case the employee does not attract any of these conditions, NOC may be issued:

1. Whether any disciplinary proceedings are pending or contemplated against him.
2. Whether any vigilance case is pending or contemplated against the officer.
3. Whether there are grounds to believe that the applicant could figure adversely on the security records of the Government.

If it is a departmental case Competent Authority can exercise his discretion by recording reasons. But in CBI cases, clearance should be taken from the concerned authorities.

Normally, all vigilance investigations which are likely to result in sanction for prosecution, dismissal/ removal would normally debar issue of 'No Objection Certificate'. If a major penalty action is in progress or if the Competent Authority considers that there is a prima-facie case established for major penalty, "NOC" should generally be withheld except in special deserving cases. In other cases, "NOC" should be freely given. Vigilance clearance accordingly is to be decided.

(h) For the purpose of forwarding application for outside post, foreign visits, proceeding on lien/deputation and foreign visit.

Vigilance Clearance for the purpose of 'Forwarding Application for Outside Post', 'Proceeding on Lien/Deputation' and 'Foreign Visits' will be withheld, if :

1. The Officer is under suspension in vigilance cases
2. Charge sheet has been issued against the officer and the disciplinary proceedings are pending due to investigation by Vigilance Division.

Decision has been taken to issue charge-sheet against the officer in a vigilance case.

3. Prosecution for a criminal charge is pending against the officer (by CBI or any other investigating agencies).
4. A vigilance complaint has been registered and from preliminary investigation, the culpability of the concerned official has been established. However, mere registration of the case against the official should not ordinary bar him from getting vigilance clearance unless preliminary report indicates his culpability.
5. The name of the officer is in the List of officers of Doubtful Integrity.

(I) **For Deputationists :**

In case of deputationists, vigilance status will be obtained from parent/lending departments, updated with the current vigilance information which may be available in the DVC vigilance on the date of requirement and furnished to the official seeking the vigilance clearance by the DVC Vigilance organization. Cases of all the deputationists are required to be forwarded to the CVO endorsing the unit vigilance status of the employees.

3. **Procedure for Vigilance Clearance:** Vigilance clearance proposals for all purposes listed at 1(a) to (q) above [except 1(d) for private visits abroad] shall be forwarded in the prescribed proforma at Annexure I. Vigilance clearance proposal for the purpose of seeking NOC for private visits abroad shall be forwarded duly signed by the applicant in the proforma at Annexure II attached to these guidelines. The clearance shall be granted as per the following schedule of delegation:

(a) **Staff/Non-Executives:** The vigilance clearance for all purposes listed at Para 1 (a) to (q) above to all the non-executives/ staff,(Group 'C' & 'D') of DVC field formation shall be given by the officer in-charge of the vigilance units at various plants/units. For all non-executives/staff (Group 'C' & 'D') in case of DVC HQ and all Group 'B' employees of DVC will be given by Manager (Vig), DVC HQ.

(b) **Executives/officers below the Board level:**

(i) Vigilance clearance for all purposes listed at Para 1 (a) to (q) in respect of all executives/officers upto the level of DY.CE & their equivalents in other departments shall be given by Dy. CVO/DGM (Vig).

(ii) The vigilance clearance for all purposes at Para 1 (a) to (q) in respect of all the other officers/executives of the DVC of the level of CE& their equivalents in other departments and above shall be given by the CVO,DVC.

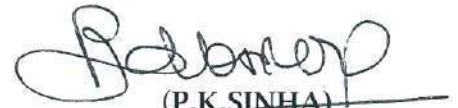
4. Other points of action:

- (i) All regulations of the DVC's Conduct, Discipline & Appeal Rules or otherwise regarding imposition of penalty, sealed cover procedure, appeal & review of the disciplinary proceedings should be observed.
- (ii) All vigilance clearances should be routed through Admin/HR branch only. In order to give adequate processing time, proposals need to be sent sufficiently in advance of the requirement date to the vigilance branch.
- (ii) There may be some situations where the controlling officers of the employees in respect of whom the vigilance clearance is being sought might have directly received some complaints having vigilance angle in the field areas and may, therefore, be under the process of being referred to the vigilance branch. Also there may be cases where the departmental disciplinary proceedings have recently been initiated for the administrative misconducts/lapses directly by the DA in the field areas & yet to be intimated for monitoring to the vigilance. In order to ensure that such contingencies are also taken care of while furnishing vigilance status of employees by the vigilance branch, an endorsement need to be made either by the controlling officer of the employee or the administration/HR branch in the proposal.
- (iv) Vigilance clearance for any of the purposes listed above at 1(a) to (q) is required to be obtained prior to putting up the case for approval so that due consideration may be given to the vigilance status of the individual by the competent administrative authority before issue of orders.
- (v) The unit, in whose vigilance jurisdiction the employee is presently serving, shall be fully responsible for maintenance of the up-to-date vigilance status and no cross reference in this regard need be made. To facilitate this, the vigilance branch of the transferring unit shall furnish the vigilance status of the employee to the vigilance branch of joining unit as a one time exercise on transfer and thereafter it shall be kept up-to-date by the vigilance branch of the concerned joining unit.

5. Validity of Vigilance Clearance:

The validity of vigilance clearance furnished by the Vigilance Division for any purpose in respect of all employees shall remain **valid for three months**. The HR Division need not seek fresh vigilance clearance with respect to same employee for the same purpose before expiry of three months. During this period, if anything adverse comes to the notice of the Vigilance Division having bearing on the guidelines stipulated, the same shall be communicated to the HR Division suo motto.

All concerned are requested to ensure compliance to the above instructions in the disposal of cases received by the vigilance units for seeking vigilance status in DVC.


(P.K. SINHA)
Chief Vigilance Officer

Copy to:-

- (a) Chairman, DVC
 - (b) JS&CVO, MOP
- } - for information please.

Copy to:-

- (a) Secretary/Financial Adviser, DVC.
 - (b) Dir. (HRD)/ Dir. (Tech.)/ Dir. (Accounts)/
Dir. (System)/Dir.(Proj.)/Dir. (Commercial), DVC.
 - (c) All Chief Engineers & Project Heads, DVC.
 - (d) Addl. Secretary, DVC.
- } -for information & necy. action please.

Distribution:-

- (a) DGM(Vig)/ Dy.CVO/ Sr.Manager/ Managers(Vig), DVC H.Q./All PVOs, Field offices - for necessary action and monitoring of the implementation of the above in their areas of vigilance administration.
- (b) Master File.

DAMODAR VALLEY CORPORATION
(VIGILANCE CLEARANCE PROFORMA AS PER CVO/DVC/

Part - I (TO BE FILLED IN BY THE ADMIN/HR BRANCH)

1. Name		2. Design. & Staff No.	
3. Pay Scale		4. Date of Birth	
5. Date since working in the present post		6. Status (Reg/ Adhoc/Contract / Deptn/Others)	
7. If on deputation, fill up the following information of Parent/lending Organization			
a) Name of Organization with Address for correspondence			
b) Post held in parent / lending orgn (Officiating or adhoc)			

(i) The particulars furnished above by the applicant are as per the service records.

(ii) Whether any complaint/vigilance/disciplinary case is pending against the employee and whether he/she is undergoing any penalty? -----

Case is forwarded for according vigilance clearance for the purpose
of -----

Dealing Official of Adm/HR (Adm/HR) **Controlling Officer /**

Part-II (FOR USE BY VIGILANCE UNITS)

(i) Vigilance clearance is granted / withheld due to -----

OR

(ii) (a) There is no adverse vigilance record in respect of the above with the unit.

OR

(b) Vigilance clearance may be withheld due to -----

MANAGER(VIG.)/DGM(VIG)/DY.CVO

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Vigilance clearance is granted / withheld due to -----

CVO/DVC/H.Q

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Note: Part II (ii) (a) & (b) is meant for referring the cases of executives to H.Q.

DAMODAR VALLEY CORPORATION
(PROFORMA FOR PVT FOREIGN VISIT AS PER CVO/DVC.....)

Part - I (TO BE FILLED IN BY THE APPLICANT)

1.Name		2. Design.	
3. Staff No.		4. Date of Birth	
5. Pay Scale		6. Date since working (in the present post	
7. Kind of leave applied for/ sanctioned			
8. Purpose of visit, duration and name of foreign country/ countries to be visited			
9. Source of funds to be spent on the visit alongwith estimated expenditure			
10. Name of the Person(s)/ Organization to be visited and its relationship with the applicant. Complete address and contact numbers (including E-mail) of the host, if any, may be specified.			
11. Attach sponsorship document(s), if applicable.			
12. Indicate names of family members, if any, accompanying the officer.			
13. Passport number, its validity and place of issue.			
14. Status of Visa			
15. Details of private foreign travel during last five years, if any (enclose a separate sheet, if necessary).			

- (i) The particulars (S. No.1-6) furnished by the applicant are as per the service records.
- (ii) Whether any complaint/vigilance/disciplinary case is pending against the employee and whether he/she is undergoing any penalty?

Case is forwarded for according vigilance clearance for the purpose of issuing NOC for private visit abroad.

(Dealing Official of Adm/HR)

Controlling Officer/ (Adm/HR)

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Part-II

(FOR USE BY VIGILANCE BRANCH)

PTO

(i) Vigilance clearance is granted/withheld due to

OR

(ii) (a) There is no adverse vigilance record in respect of the above with the unit.

OR

(b) Vigilance clearance may be withheld due to

MANAGER(VIG.)/DGM(VIG)/DYCVO

(V)

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Vigilance clearance is granted / withheld due to

CVO/DVC/HQ

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Note: Part II (ii) (a) & (b) is meant for referring the cases of executives to H.Q.