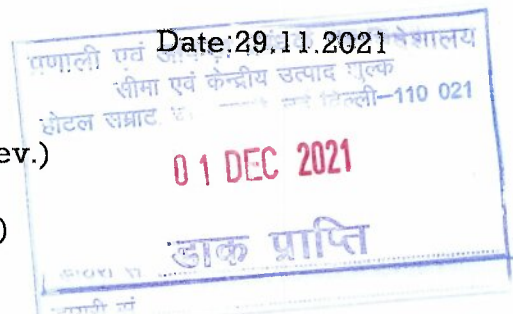


CONFIDENTIAL



**DIRECTORATE GENERAL OF VIGILANCE
INDIRECT TAXES & CUSTOMS 2nd & 3rd FLOOR, HOTEL SAMRAT
KAUTILYA MARG, CHANAKYA PURI, NEW DELHI-110021**

F.No.V-500-47-2012-Pt.II/10768-10833



To

All Pr.Chief Commissioners of Customs/Customs (Prev.)
All Pr.Chief Commissioners of GST & CX
All Chief Commissioners of Customs/Customs (Prev.)
All Chief Commissioners of GST & CX
ALL Pr.Director General/ Director General
Pr. ADG/ ADG of Vigilance (EZU, WZU, NZU, SZU, AZU, LZU & HZU)
Deputy/ Under Secretary, Ad.II, CBIC
Deputy/ Under Secretary, Ad.V, CBIC.

Madam/Sir,

Sub: - Guidelines regarding grant of Vigilance Clearance-regarding.

Please refer to the subject cited above.

2. In this regard, please find enclosed herewith copy of Central Vigilance Commission's guidelines issued under Office Memorandum No.021-AIS-I(2) dated 19.04.2021 stipulating timely completion of vigilance enquiry right from the receipt of the complaints till its logical conclusion, for necessary action.
3. This issues with the approval of Pr.DG, Vigilance, CBIC, New Delhi.

Encls: as above

Yours faithfully,

29.11.21

(Vinod Kumar Agrawal)
Additional Commissioner

Copy to:

- (i) The Director, Central Vigilance Commission, Satarkta Bhawan , G.P.O. Complex, Block-A, INA, New Delhi in compliance of Office Memorandum dated 19.04.2021;
- (ii) PS to CVO/DG (Vigilance), CBIC, New Delhi;
- (iii) Office of the DG, Systems with a request to upload the same on CBIC website;
- (iv) Guard File; and
- (v) Office Copy.

THE UNIVERSITY OF CHICAGO PRESS

Most Immediate

**No 021-AIS-1(2)
Central Vigilance Commission**

Satarkta Bhavan
New Delhi
19th April, 2021

OFFICE MEMORANDUM

Subject: Expeditious disposal of complaints received against employees, having bearing on Vigilance Clearance - Suitable monitoring mechanism - Reg

With reference to the subject mentioned above, it has been observed from the proposals being received by the Commission for the purpose of vigilance clearance that complaints received against an employee gets registered/received and stays in the vigilance profile of the employee for a very long time.

Commission has noted with concern that the end result on these complaints is that there is a) no action for a long time or b) the action not being taken to its logical conclusion or c) the action taken not being updated in the records. This has led to a situation where the vigilance clearance is being delayed / denied for no fault of the employee.

2. In this context, attention is invited to Para (3) of DoP&T OM No 104/33/2005-AVD-I dated 29.10.2007 for members of All India Services and DoP&T OM No 11012/11/2007-Estt (A) dated 14.12.2007 for members of Central Civil Services/ Central civil posts, which is reproduced below for ready reference:

"In cases where complaints have been referred to the state / administrative authority concerned, and no substantive response has been received from such state / administrative authority concerned within three months from the date on which the reference was made, the Cadre Controlling Authority / Disciplinary Authority may provide a copy of the complaint to the officer concerned to seek his comments. If the comments are found to be prima facie satisfactory by the Competent Authority, vigilance clearance shall be accorded."

3. Despite these provisions, vigilance clearance is being with-held because of delay in disposal of the complaints received against the employees. To streamline the process, it has been decided that the following procedure shall be adopted while handling the complaints received against an employee in an organization, including the complaints sent by CVC for 'necessary action':

- (i) All anonymous/ pseudonymous complaints must be filed in compliance of DoP&T OM no 104/76/2011-AVD-I dated 18.10.2013 and 18.06.2014 (https://documents.doptcirculars.nic.in/D2/D02ser/104_76_2011-AVD-I-31032015.pdf) and Commission's circular no. 07/11/2014 dated 25.11.2014 (<https://cvc.gov.in/sites/default/files/anps25112014.pdf>) and circular no. 12/09/20 dated 24.09.2020. (<https://cvc.gov.in/sites/default/files/98DSP009.pdf>), as amended from time to time.
- (ii) Action on the remaining complaints against the employees must be taken to the logical conclusion **within 3 months** of the date of receipt of the complaint. Logical conclusion here implies that the decision shall be taken by the organization to either (a) file the complaint or (b) register a vigilance case for further investigation or (c) register a non-vigilance/ administrative action case for further investigation. This is in partial modification of Commission's circular no 000/VGL/18 dated 23.05.2000. (<https://cvc.gov.in/sites/default/files/0000vgl18.pdf>).
- (iii) At the end of the third month from the date of receipt of complaint against the employee and after deciding on the course of action as mentioned in Para 3 (ii) (b) and 3 (ii) (c) above, a copy of the complaint shall be made available to the concerned employee, **within 15 days** through speed post, wherever the name of employee is mentioned in the complaint. In cases where the employee's name is not explicitly mentioned in the complaint, copy of the complaint shall be made available to the concerned employee at the stage of registration of vigilance/non-vigilance case against the said employee. The purpose is to inform the employee that the complaint is being examined by the organization. The employee shall also be informed that full opportunity would be given to him during examination. In case of decision to file the complaint as in Para 3 (ii) (a) above, no further action is required.
- (iv) Once a decision has been made to take up the matter as a vigilance case as in Para 3 (ii) (b) above, the organization shall send its inquiry report to the

Commission /CVO seeking First Stage Advice **within 3 months** of registration of such regular case. This timeline shall strictly be adhered to.

- (v) Once a decision has been made to take up the matter as a non-vigilance/administrative action case as in Para 3 (ii) (c) above, the organization must follow the relevant guidelines/instructions issued by DoPT from time to time.
4. CVOs shall submit the following information in the QPRs being submitted online to the Commission:
- Number of complaints pending for more than prescribed time limit, yet to be made available to the employee concerned, as in Para 3 (iii) above;
 - Number of complaints pending for more than prescribed time limit, yet to be closed or registered as a vigilance/non-vigilance case, as in Para 3 (ii) above;
 - Number of cases pending for more than prescribed time limit, yet to be sent for FSA as in Para (iv) and (v) above;
 - Number of cases under process within the prescribed time limit.

Illustration

Complaints pending with an Organisation as on 31.12.2020			10
Anonymous Complaints filed immediately			2
Pseudonymous complaints filed after complainant verification			2
Remaining 06 complaints on which decision taken as per Para 3 (ii)	Filed	01	
	Vig case	03	
	Non Vig Case	02	
In 05 complaints, copy of complaint has to be shared with the concerned employee within 1 week of arriving at the decision as per Para 3(ii) (b) and (c)			
In Vig cases, inquiry report to be submitted to CVO/CVC for FSA within 3 months as per Para 3 (iv)			
Non Vig cases as per Para 3 (v) to be governed by relevant DOPT guidelines			

5. As a pilot to begin with, the backlog complaints received till 31.12.2020 shall be disposed off as per the guidelines issued in this circular and compliance reported by 31.05.2021.

6. All the Head of Ministries/ Departments/ Organisations and their CVOs to ensure strict compliance to the above-mentioned guidelines with respect to the disposal of complaints. The status of complaints received after 01.01.2021 shall be reported through the online QPRs with effect from the 3rd Quarter of 2021. Necessary modifications to the QPR format will be made in this regard.

7. These instructions/guidelines shall be applicable to the category of complaints which are taken cognizance by the organization while issuance of vigilance clearance of employees, for any purpose.


(Sudhir Kumar) 19/9/2024
Additional Secretary

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

The Chief Secretaries of all States and UTs for information and necessary action on the complaints pertaining to All India Service Officers.


(Sudhir Kumar) 19/9/2024