

## CHAPTER VII

### VIGILANCE CLEARANCE FOR MANAGEMENT DECISIONS

#### **701. Ensuring integrity of public servants:**

There is hardly any need to emphasize the importance of ensuring the integrity of public servants for a clean administration. It is necessary for the officer-in-charge of the administration to satisfy himself about the integrity of an officer before clearing the proposal for his promotion, confirmation, deputation, foreign assignment, etc.

#### **702. Guidelines to be observed while dealing with such matters have been issued by the Board as briefly indicated in the following paras:**

702.1 **Promotion:** While considering cases of promotions, extant rules and instructions issued from time to time in the matter may be followed by the competent authority. It is however, clarified that promotions should not be withheld merely because a regular case has been registered by the Central Bureau of Investigation against a gazetted officer or the complaints against him/ her are being looked into by the departmental agency. Promotion can be withheld only in the following circumstances:

- (i) Where the Railway Servant is under suspension;
- (ii) Where the Railway Servant is facing prosecution;
- (iii) Where Departmental proceedings have been initiated by issue of a charge sheet;
- (iv) Cases where CVC's advice for initiation of major/ minor penalty has been received and the advice has been accepted by the DA.

702.2 **Confirmation:** The procedure being followed for promotion should also be followed for confirmation duly keeping in view the instructions issued from time to time by Railway Board. Confirmation should not be withheld merely because a regular case has been registered by the CBI against an officer or complaints against him/ her are being looked into by the departmental agency.

702.3 In case, however, the officer is subsequently exonerated of the charge(s), he/ she should be given his/her due place in the seniority list. The main point to be kept in mind in the matter of granting confirmation is that it is to be denied only if something specific has been proved against a railway servant's integrity and not merely on suspicion.

702.4 **Deputation including foreign assignment:** Vigilance clearance should be obtained at the stage of forwarding names for deputation and again before issuing the release order, if the intervening period is more than a week. The name of the Government servant who is facing disciplinary proceedings or undergoing punishment, should be withheld

by Competent Authority. Guidelines issued vide Officer Order No. 31 of 1999 (Annexure VII/1) as modified vide instructions dt. 27.7.05 (Annexure VII/2) may be referred to in this regard.

- 702.5 **Training of Railway servants abroad:** An officer undergoing punishment or DAR proceedings should not be deputed for training abroad. A Railway servant having current vigilance case, where a prima-facie decision has been taken to initiate major penalty proceedings, should not be deputed for training abroad, in case duration of training is more than two weeks as it would affect the progress of major penalty proceedings. In case of training of over six months duration and when a prima-facie decision has been taken to initiate any of the disciplinary/ administrative action other than major penalty proceedings, the case should be put up to the Competent Authority for a specific order whether to allow the officer for training abroad or not. For training programmes of more than six months durations in non-railway institutions also, these instructions will be applicable.

However, no vigilance clearance is required for training in Railway institutions within the country.

- 702.6 **Posting to Railway Board/ RDSO and other offices under the direct administrative control of the Board:**

Where disciplinary cases are in progress or the officer is undergoing punishment, the officers will not be posted in positions carrying special pay. Officers borne on 'Agreed/ Secret List' will not be posted to Board/ RDSO or in sensitive posts.

- 702.7 **Posting of SDGMs and officers in the Vigilance Directorate and Vigilance Organisation of the Railways:**

These are very sensitive posts and vigilance record must be given due consideration while empanelling/ posting on these positions. Offices borne on 'Agreed / Secret List' should not be posted as SDGMs and Vigilance Officers. Posting of SDGMs and other Vigilance Officers in Vigilance Organisation will require clearance from Additional Member (Vigilance) who is the Chief Vigilance Officer of the Ministry of Railways.

- 702.8 **Empanelment/ appointment of serving/ retired Railway officers as Arbitrators:**

- (i) The officers should not have underground punishment arising out of vigilance/ CBI cases during the preceding 5 years (last 5 years of service for retired officers).
- (ii) The officers should not be / have been borne on Secret/ Agreed List ( last 5 years of service for retired officers).
- (iii) No DAR proceedings should be in progress against the officer.

- (iv) There should not be any regular case ( RC ) by CBI.
- (v) If an officer appointed as Arbitrator, is subsequently detected to be involved in a Vigilance/ CBI case, action will be taken as per extant guidelines.
- (vi) The officers working in the Vigilance Organization should not be considered for appointment as Arbitrators, even if empanelled, as per extant guidelines.

702.9 **Compulsory retirement:** The age of superannuation being 60 years, a Railway servant has the normal expectation to continue upto that age unless there is some positive evidence against his/her integrity. It would, no doubt, be not proper to retire a Railway servant compulsorily at an earlier age merely on the basis of a suspicion, but if there is a provision for a fair and objective appraisal of a Railway servant's total record of service at a sufficiently high level, there should be no objection to the consideration of such record also. A single vigilance case of major penalty finalised or in progress by itself should not be considered enough for pre-mature retirement, unless supplemented by other reasons, like poor overall record of service.

702.10 **Retired persons to be engaged on the PSUs should not include the following:**

- (i) Persons borne on "Agreed/ Secret" list while in service on Railways, or involved in any current vigilance/ CBI cases in which disciplinary action or prosecution is likely.
- (ii) Persons who as a result of vigilance/ CBI cases had been imposed a major penalty or two minor penalties while in service on Railways.
- (iii) Persons against whom disciplinary or prosecution proceedings are in process.
- (iv) Persons who have been warned more than three times as a result of vigilance/CBI action while in service on Railways.

702.11 **Extension/ Re-employment / Commercial employment after retirement:**

While considering proposals for grant of extensions or re-employment, the railway servant's character roll and personal file should be carefully scrutinized and all other relevant information that may be available should be taken into account with a view to judge whether he has had a good reputation for integrity and honesty. Since the grant of extension or re-employment is a course of action which the Administration adopts solely in the public interest and is not a normal expectation in service, the Administration would be fully justified in refusing to consider extension in service or re-employment of Railway servants about whose integrity there is any doubt, whatsoever.

#### 702.12 **Awards:**

In following cases an award should not be given to an officer:

- (i) who is undergoing punishment;
- (ii) when a major penalty has been imposed upon him in the last one year, or when a prima-facie case for major penalty proceedings has been established.

#### 702.13 **No objection certificate for issue of passport:**

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, no objection certificate should generally be withheld except in special deserving cases. In other cases, 'No Objection Certificate' should be freely given.

#### 702.14 **Premature retirement through review:**

A single vigilance case of major penalty finalised or in progress should not be considered enough for premature retirement unless supplemented by other reasons like poor over-all record of service.

#### 703. **Procedure in vogue in the Board's office for Vigilance Clearance:**

In regard to processing of "vigilance clearance" for promotions, confirmations, postings, special assignments, normal retirements, resignations, extensions, re-employment, deputation including foreign assignments, no objection for issue of passport, awards, posting of SDGM or officers in Board/ RDSO etc., the practice in Board's office is that a reference is made by the Secretary/ Establishment Branch to the Vigilance Directorate. Vigilance Directorate maintains a proper record (index card) for this purpose and on receipt of a reference from Secretary/ Establishment Branch, the record of the concerned officer is verified and factual position is furnished as per extant guidelines. (Annexures VII/1 & VII/2)

#### 704. **General:**

In general, the officers borne on the Agreed/ Secret List should not be posted to sensitive/ highly sensitive posts.

### **List of References:**

1. Letter No. E(D&A) 65-RG-6-47 dated 24.11.65 and E(D&A)-90RG6-47 dated 5.6.90
2. Office Order No. 95/V(C)/00/1 dt.20.8.99 (Annexure 1) and Letter No. 2005/V1/O.O./1 dt.27.7.2005 ( Annexure 2)
3. Letter No.87-V(C)/13/1 dated 28.2.90
4. (E(D&A) 93 RG6-149 (A) dated 22.1.93
5. (E(D&A) 93 RG6-149 (B) dated 22.1.93
6. E(D&A) 88 RG6- 21 dated 5.2.93
7. E(D&A) 92 RG6-185 dated 12.2.93
8. E(D&A) 92 RG6-149 (B) dated 22.10.93
9. E(D&A) 92 RG6-149 (A) dated 27.7.95
10. E(D&A) 95 RG6- 65 dated 17.1.96
11. E(D&A) 2000 RG6-13 dated 8.10.2001
12. E(D&A) 99 RG6- 20 dated 6.12.2001
13. Authority: Office Order No. 43 of 1998
14. Office order No.32 of 2003

**GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RAILWAY BOARD**

**OFFICE ORDER NO. 31 OF 1999**

**GUIDELINES FOR VIGILANCE CLEARANCE AND MANAGEMENT DECISION**

After the issue of office order No. 10 of 1980, a number of amendments have been issued on various dates. This office order is being issued by consolidating all the instructions issued so far. It supersedes Office Orders No. 10 of 1980, No.13 of 1980, No.48 of 1981, No.52 of 1987, No.24 of 1995, No.46 of 1995 and No.43 of 1998.

Board have decided that the following guidelines for the information to be furnished by the Vigilance Directorate as also for taking decision by the Competent Authority in the light of information so furnished shall henceforth be followed:

**1. Deputation of Railway Servants including foreign assignment**

1.1 Vigilance Directorate will furnish the following information:

- (i) all current vigilance cases under investigation or in which disciplinary proceedings are pending;
- (ii) all substantiated vigilance case(s) finalised during the last 3 years ;
- (iii) information about any other vigilance case which resulted in a major penalty in the career of the officer where he was not exonerated.
- (iv) Cases where the officer is currently undergoing punishment;

1.2 While the vigilance clearance should initially be obtained at the stage of forwarding names for deputation , it should again be taken before issuing the release order if the intervening period is more than a week and for lesser period it may be got checked on telephone.

1.3 The copies of the Sanction order for deputation of officers should be endorsed to Confidential Branch of Vigilance Directorate.

1.4 Where the case against a Government Servant is only at the investigation stage and no prima-facie case has been established against him, the competent authority may sponsor his name for deputation without any comments. However, the competent authority should reserve the right of not releasing the officer, if necessary. If by the time the offer comes, the preliminary investigations are not over, the Competent

## **Annexure-VII/1 (contd.)**

Authority should decide whether to release the official or to detain him in public interest. Nevertheless, the name of a Government Servant who is facing disciplinary proceedings or undergoing punishment should be withheld by Competent Authority.

- 1.5 The Officers and the staff who are on 'Agreed List' or on 'Secret List' should not be sent on deputation. (Authority : Office Order No. 43 of 1998).

### **2. Training of Railway servants abroad**

- (i) Officer's vigilance record for past 3 years in respect of substantiated cases only would be furnished by the Vigilance Directorate to enable the competent authority to decide whether he would still be considered for training abroad;
- (ii) Railway servants facing disciplinary proceedings under DAR should not be deputed for training abroad;
- (iii) For Railway servants having current cases under investigation, it will be especially indicated whether prima-facie a decision has been taken for initiating major penalty proceedings. Such railway servants should not be deputed for longer duration training courses abroad (more than 2 weeks) as it would affect the progress of major penalty proceedings;
- (iv) If the vigilance record indicates that the official is currently undergoing a punishment, he should not be deputed.

In case of training of over 6 month's duration it will also be indicated as to whether a prima-facie decision has been taken to initiate any of the disciplinary administrative action other than major penalty proceedings. In case, any such action is contemplated, the concerned Directorate will put up the case to the competent authority for a specific order whether to allow the officers for training abroad or not.

The above criteria would not apply for training within the country for which no vigilance clearance is necessary. However, for training programs of more than 6 months duration in non-railway institutions, the above instruction will be applicable.

### **3. No-objection certificate for issue of passport**

Vigilance Directorate will only furnish information in regard to all current cases in which investigations/ disciplinary proceedings are pending against the officer or those which resulted in the imposition of penalty in the last three years.

In regard to current cases under investigations, it should also be indicated if any one of them is likely to result in major penalty action, as per information available at that point of time.

## **Annexure-VII/1 (contd.)**

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, no objection certificate should generally be withheld except in special deserving cases. In other cases, 'No Objection Certificate' should be freely given.

### **4. Award**

4.1 Vigilance Directorate will furnish details of :

- (i) current cases under DAR / Investigation with an indication whether prima-facie decision has been taken to initiate major penalty proceedings in any one of them.
- (ii) Vigilance record of substantiated cases during the preceding three years .

4.2 In following cases the award should not be given to an officer.

- (i) When he is undergoing punishment;
- (ii) when a major penalty has been imposed upon him in the last one year, or
- (iii) when a prima-facie case for major penalty proceedings has been established.

### **5. Re-employment / extension of service / commercial employment after retirement**

5.1 Vigilance Directorate would furnish information in regard to:

- (i) Current vigilance cases of investigation/Disciplinary proceedings;
- (ii) Complete vigilance history during the service period excluding the unsubstantiated cases.

5.2 Persons borne on "Secret/ Agreed List" or involved in any current vigilance cases should not be considered for re-employment/ extension or for grant of permission for commercial employment after retirement.

### **6. Posting / Promotions/ Special assignments/ Confirmation/ Normal retirements/ Voluntary retirements/ Resignations etc.**

Vigilance Directorate will furnish the following information:

- (i) Current vigilance cases under DAR Investigation with an indication whether any prima-facie decision has been taken to initiate major penalty proceedings in any one of them;

## Annexure-VII/1 (contd.)

- (ii) Vigilance history of substantiated cases during preceding five years will be provided by Vigilance Directorate. However, for promotion of Group 'B' officers to Group 'A' full vigilance history excluding unsubstantiated cases will be provided. (Authority: Office Order No. 46 of 1995).
- (iii) Cases where officer is undergoing punishment.

The extant rules and instructions which adequately cover these types of cases may be followed by the Competent Authority. It is, however, clarified that promotions or confirmations should not be withheld merely because a Regular Case has been registered by the Central Bureau of Investigation against a Gazetted Officer or that complaints against him/ her are being looked into by departmental agency. Regarding withholding of promotions, confirmations or keeping in sealed covers, the instructions issued by Railway Board from time to time should be followed. The latest instructions are contained in RBE 14/93 dated 21.1.93. However, in respect of JA Grade offices and above, on finalisation of the Vigilance DAR proceedings, the copy of the closure advice will be endorsed by Vigilance Directorate to JS(C).

**Note:** Special Assignments include sensitive important postings which need not necessarily be postings on immediate promotion such as DRMs, AGMs, etc.

### 7. **Premature retirement through review**

Vigilance Directorate will furnish the complete vigilance record of the officer.

A single vigilance case of major penalty finalised or in progress should not be considered enough for premature retirement unless supplemented by other reasons like poor overall record of service.

### 8. **Posting to Railway Board/ RDSO and other offices directly under the administrative control of the Board**

8.1 The Vigilance Directorate will furnish the following information:

- (i) Current vigilance cases under investigation with an indication whether a prima-facie decision has been taken for initiation of major penalty proceedings;
- (ii) Current pending disciplinary proceedings;
- (iii) Vigilance record of substantiated cases during preceding 3 years.
- (iv) Vigilance cases resulting in award of major penalty during service period.

8.2 Where disciplinary cases are in progress or the officer is undergoing punishment, the officers will not be posted in positions carrying special pay. Officers borne on 'Agreed/ Secret List' will not be brought to Board/ RDSO or in sensitive posts.

### 9. **Posting of SDGMs and Officers in the Vigilance Directorate / Vigilance Organisation of the railways**

9.1 Vigilance Directorate will furnish complete record of the officers, excluding unsubstantiated cases.

9.2 These are very sensitive posts and vigilance record must be given due consideration while empanelling / posting on these positions. Officers borne on 'Agreed / Secret List' should not be posted as SDGMs and Vigilance Officers. Postings of SDGMs/officers in Vigilance Directorate will require clearance from Chief Vigilance Officers of the Ministry (Adviser/Vigilance).

**10. Engagement of consultants and employment/ re- employment of retired Railway Officers in the PSUs under Ministry of Railways**

In this regard, instructions issued under Board's letter No.87 /V(C)/13-1 dated 28.2.1990 will continue to be followed. As per these instructions, the Vigilance Directorate will not furnish history of the officer but only the eligibility or otherwise from vigilance point of view as per the guidelines laid down therein.

**11. Vigilance clearance in regard to Board level/ higher than Board level appointees for Public Sector Enterprises under Ministry of Railways**

For appointment to Board level / higher than Board level posts in Public Sector Enterprises under Ministry of Railways, Vigilance clearance will be required to be obtained from Central Vigilance Commission even if any of the candidate(s) is/ are holding a Board level post at the time of consideration.

The names of all the candidate officers recommended by PESB for appointment to any Board level/ higher than Board level position will be forwarded to CVO of the Ministry who after scrutinizing the records will forward the same to Central Vigilance Commission for obtaining the clearance of the Commission.

In case any of the proposed candidates is not from Railway, the same shall be brought to the notice of the CVO of the Ministry giving details of the past experience of the candidate so that the concerned organizations can be contacted for obtaining the Vigilance history of the candidate before referring the matter to Central Vigilance Commission for clearance.

(Authority: CVC's OM NO. 3(V)/99/4 dated 12<sup>th</sup> July, 1999).

**12. General**

In general, the officers borne on the Agreed/ Secret List should not be posted to sensitive/ highly sensitive posts.

S/d.  
(D.P. TRIPATHI)  
Secretary  
Railway Board

**Annexure-VII/1 (contd.)**

No. 95/V(C)/00/1

Dated : 20-08-1999

Copy to:

1. PPSs/PSs to MR, MOSR, CRB, FC, ME, MM, MS, ML, MT, Secretary, All Additional Members.
2. OSD/MR, OSD/CRB, ED/CC
3. JS, JS(C), JS (G), DS(D), DS(E)-II with 10 spare copies.
4. ED(T&MPP), JDE/RRB, JDE(GP) with 10 spare copies
5. All Officers/ Branches of Vigilance Directorate
6. G (Acc) with 5 spare copies.

**GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)**

No. 2005/V-I/O.O/1

New Delhi, dated 27.7.05

**(I) General Manager/Vigilance**

1. Central Railway, Mumbai.
2. Eastern Railway, Kolkata.
3. East Central Railway, Hajipur.
4. East Coast Railway, Bhubaneswar.
5. Northern Railway, New Delhi.
6. North Central Railway, Allahabad.
7. North Eastern Railway, Gorakhpur.
8. Northeast Frontier Railway, Maligaon.
9. North Western Railway, Jaipur.
10. Southern Railway, Chennai.
11. South Central Railway, Secundrabad.
12. South Eastern Railway, Kolkata.
13. South East Central Railway, Bilaspur.
14. South Western Railway, Hubli.
15. Western Railway, Mumbai.
16. West Central Railway, Jabalpur.

**(II) Chief Vigilance Officer (CVO)**

1. Chittaranjan Locomotive Works, Chittaranjan.
2. Diesel Locomotive Modernisation Works, Patiala.
3. Diesel Locomotive Works, Varanasi.
4. Integral Coach Factory, Chennai.
5. Rail Coach Factory, Kapurthala.
6. Rail Wheel Factory, Yelahanka, Bangalore.
7. CORE, Allahabad.
8. Metro Rail Corporation, Kolkata.
9. R.D.S.O., Manak Nagar, Lucknow.
10. IRCON/Palika Bhavan, R.K.Puram, Sector-XIII, New Delhi.
11. RITES, 1, Sector-9, Gurgaon-122001, Haryana.
12. IRFC, NBCC Place, East Tower, Upper Ground Floor, Bhisham Pitamah Marg, Pragati Vihar, Lodhi Road, New Delhi-3.
13. CONCOR, Mathura Road, Opposite Apollo Hospital, New Delhi.
14. KRCL, Belapur Bhavan, Plot No.6, Sector 11, CBD Belapur, Navi Mumbai.
15. RAILTEL, 10<sup>th</sup> Floor, Bank of Baroda Bldg. Parliament Street, New Delhi-1.
16. MRVC (Mumbai Railway Vikas Corpn.), 2<sup>nd</sup> Floor, Churchgate Station Building/  
New Mumbai.

**Sub:- Guidelines for Vigilance Clearance for Promotion and Deputation**

The existing guidelines for Vigilance Clearance of Officers for the purpose of promotion and deputation were discussed in the Board Meetings held on 09-06-2005 and 19-07-2005 and after due deliberations the following decisions were taken by the Board:-

2. Necessary amendment be made in the extant instructions so that administrative actions such as 'Counseling', and 'Warning' etc. are altogether deleted from the Vigilance Historysheet, while giving Vigilance Clearance for promotion and deputation etc.;
3. In addition to the details mentioned in DOP&T's O. M. No. 22012/1//99/Estt(D) dated 25-10-2004, the following shall also be included in the Vigilance Historysheet:
  - a) Cases where the Officer is undergoing punishment. This would be in line with Board's instruction vide letter No. E(D&A)92 RG6-149(B) dated 21-01-93 issued consequent to Supreme Court's judgment in the Jankiraman case; and
  - b) Cases where CVC's advice for initiation of major/minor penalty has been received and the advice has been accepted by the Disciplinary Authority.

These instructions come into effect with immediate effect.

(R.S.Sharma)  
Director/Vigilance (Mech.)  
Railway Board.

- Copy to :**
1. **All Officers of the Vigilance Directorate - for compliance.**
  2. **DDV(C) - for compliance.**