

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RAILWAY BOARD

No. 2019/V-1/VP /5/1

New Delhi, dated: <sup>04/04</sup> March, 2019

**The General Managers**

CR, ER, ECR, ECOR, NR, NCR, NER,  
NFR, NWR, SR, SCR, SER, SECR,  
SWR, WR, WCR, CLW, DLW, ICF,  
RCF, RWF, CORE, MCF, METRO &  
NFR(Constrn.)

**The Directors,**

IRICEN, IRISSET, IRITM, IRIEEN &  
IRIMEE,

**Chief Administrative Officers**

DLMW & COFMOW

**Managing Directors**

BITES, IRCON, KRCL, CONCOR,  
IRFC, MRVC, RCTC, RAILTEL, CRIS,  
RVNL and IRWO.

**Director General**

RDSO and RSC

**Others**

CCRS/LKO

**Sub: Procedure for dealing with DAR cases against Officers/ staff arising out of vigilance investigation- Disagreement with Vigilance advice.**

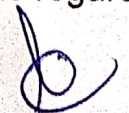
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It has come to notice of Railway Board Vigilance that in one of the Vigilance cases pertaining to Group 'C' staff, the procedure for dealing with DAR cases against him has not been followed by Disciplinary Authority in the matter of disagreement with Vigilance Advice.

2. The Ministry of Railways (Railway Board) has issued a new version of Indian Railways Vigilance Manual 2018 on 02.010.2018 in supersession of its earlier IRVM 2006 thus incorporating all the amendments made. Accordingly, all the concerned were advised to follow the same scrupulously.

3. The detailed procedure for dealing with DAR cases against the staff belonging to Group 'C' including Group A & B have been given in Paras 526, 527, 528 and 529 of Chapter 5 of IRVM 2018. A copy of the same has been enclosed for ready reference. It is therefore requested that the subject instruction may kindly be followed in true letter and spirit in order to avoid adverse criticism from CVC and other Authorities in this regard.

DA: As above

  
(Gaurav Sharma)  
Director Vigilance (M)  
Railway Board



**526 CASES INVOLVING GROUP 'B' (NON-GAZETTED) AND GROUP 'C' STAFF ONLY (i.e. NOT INVOLVING ANY GAZETTED OFFICER).**

In these cases CVC advice is not required. These cases which are also known as non-CVC cases be dealt as under:-

526.1 In minor penalty cases, if DA proposes to exonerate or impose any administrative action instead of a minor penalty, consultation with vigilance would be necessary. In such cases, DA has to first record his provisional views and consult Vigilance organization once giving reasons for disagreement with Vigilance advice. Vigilance Organisation should examine and furnish their comments to DA on such references. Normally vigilance organization is expected to furnish their comments to DA within two weeks of receipt of such references. Even if after this consultation, DA is not in agreement with views of Vigilance, then DA is free to proceed and pass speaking order for exoneration/imposition of penalty. The copy of the NIP/ exoneration advice is required to be promptly sent by DA to Vigilance along with its speaking order and reasons of disagreement within a week of passing such orders. Vigilance organisation may seek a revision by referring the case to RA, if considered necessary. However, such a revision would not come in the way of vigilance clearance of staff.

526.2 For major penalty cases, the vigilance case will get closed once the DA has imposed any of the major penalties and sends copy of NIP along with its speaking order to Vigilance Organisation. No consultation with Vigilance is necessary where DA intends to impose penalty in accordance with first stage advice of Vigilance Organisation. However, where punishment is not considered adequate, the vigilance organization can later seek a revision by referring the case to RA as per extant procedure. Such revision would, however, not come in the way of vigilance clearance of staff.

526.3 For major penalty cases, where DA proposes to exonerate or impose a minor penalty, consultation with vigilance would be necessary. In such cases, DA has to first record his provisional views and consult Vigilance organization once giving reasons for disagreement with Vigilance advice. Vigilance Organisation should examine and furnish their comments to DA on such references. Normally vigilance organization is expected to furnish their comments to DA within two weeks of receipt of such references. Even if after this consultation, DA is not in agreement with views of Vigilance, then DA is free to proceed and pass speaking order for exoneration/imposition of penalty. Copy of the NIP/ exoneration advice is required to be promptly sent by DA to Vigilance along with its speaking order and reasons of disagreement within a week of passing such orders. Vigilance organisation may seek a revision by referring the case to RA, if considered necessary. However, such a revision would not come in the way of vigilance clearance of staff.

526.4 The procedure for consultation with Vigilance once as described would also be applicable in major penalty cases when appellate/ revising authority proposes to exonerate or impose a minor penalty.

526.5 Procedure as described above would also be applicable for the cases investigated by Board Vigilance and referred to ZR/PU for further action. However, in cases of disagreement of DA/Appellate Authority/RA, Zonal Railway Vigilance has to send case to Board Vigilance along with their comments for consultation.



526.6 SDGM/CVO may put up details of cases where penalty imposed by DA/AA/RA is either at variance with vigilance advice or considered inadequate to General Manager, once every quarter, for his information endorsing a copy to PED (Vig), Railway Board.

**527 COMPOSITE CASES INVOLVING GROUP 'C' STAFF ALONGWITH GROUP 'A' OFFICER(S) OR GROUP 'B' OFFICER(S) WORKING IN SENIOR SCALE (ALSO CALLED CVC COMPOSITE CASES)**

527.1 In minor penalty cases, no consultation with Vigilance/CVC is necessary if punishment proposed to be imposed by DA is in line with CVC advice. However, in cases of deviation, case is required to be sent to CVC for reconsideration along with provisional views of DA and Vigilance comments thereon. Vigilance Units should promptly (say within two weeks) send the cases to Board Vigilance for seeking CVC's reconsidered advice. DA is however, free to pass speaking order and issue NIP if he is still not in agreement with CVC's reconsidered advice. Copy of this NIP alongwith reason of his disagreement should be promptly sent to Vigilance for onward transmission to CVC. CVC can include this case in its Annual Report that is submitted to Parliament and can be discussed by Hon'ble MPs.

527.2 In major penalty cases, after completion of Inquiry, cases of disagreement between DA and CVC's first stage advice are required to be referred to CVC for second stage advice along with IO's report, provisional views of DA and Vigilance comments. Vigilance case is closed once DA imposes penalty in accordance with CVC's second stage advice and furnishes a copy of NIP to Vigilance for onward submission to CVC. However, if DA differs with CVC's second stage advice, and there are new or additional facts, then case may be referred to CVC for reconsideration along with reasons for disagreement by DA and Vigilance comments. If DA still differs with CVC's reconsidered advice, he can pass speaking orders and issue NIP. A copy of NIP along with reasons of disagreement is required to be sent to Board Vigilance for onward submission to CVC. CVC can include this case in its Annual report that is submitted to Parliament and can be discussed by Hon'ble MPs.

527.3 The procedure for consultation with CVC once as described would be applicable when appellate/ revisionary authority proposes to deviate from CVC's advice.

**528 COMPOSITE CASES INVOLVING GROUP 'C' STAFF ALONGWITH GROUP 'B' OFFICER(S)**

528.1 Same procedure as prescribed for CVC composite cases detailed above would be applicable except that the case would be decided at the level of PED(Vig) and would not be referred to CVC.

**529 CONSULTATION WITH CVC AT THE APPEAL/REVISION STAGE**

529.1 Sometimes, after imposition of the punishment by the Disciplinary Authority, the Charged Official makes an appeal. The Appellate Authority is expected to keep the advice tendered by the Commission and decide on the appeal accordingly. In case, the Appellate Authority decides to deviate from the advice given by the Commission on appeal, the CVO of the Ministry will report this to the Commission, which will take an appropriate view whether the deviation is serious enough to be included in its Annual Report.

529.2 For non-CVC cases, same procedure may be followed and only deviation statement may be sent by SDGM/CVO to Railway Board.