

**By Email/Speed Post**  
**No. 109/CVC CIRCULAR/VIG/DE/II**  
Govt. Of India, Ministry of Defence  
Directorate General Defence Estates,  
Raksha Sampada Bhawan,  
Ulaan Bataar Marg, Delhi Cantt  
Delhi Cantt-110010

21 April, 2016

To,

The Principal Director, Defence Estates  
Central/Eastern/Northern/Southern/South Western/Western Command  
Lucknow/Kolkata/Jammu/Pune/Jaipur/Chandigarh

**Subject : Timely completion of disciplinary proceedings/departmental inquiry proceedings – improving vigilance administration**

Madam/Sir,

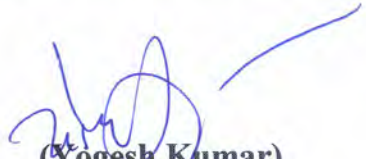
Please find enclosed herewith CVC's Circular No. 000-VGL-18/205053 dated 18.01.2016 on the above mentioned subject.

2. The Central Vigilance Commission has noted with serious concern that the administrative authorities are not adhering to the time-schedules prescribed for completion of disciplinary proceedings. The Commission observed that long delays in finalisation of disciplinary proceedings are not only unjust to officials who may be ultimately acquitted, but also help the guilty evade punitive action for long periods. Further, they have an adverse impact on others who believe that "nothing will happen". The Commission has been emphasising from time to time on the need for expeditious completion of disciplinary proceedings.

3. The Commission has observed that a number of factors contribute to the delay in the conduct of departmental inquiries and with prudent management, this needs to be checked. The Commission suggested a few steps to be ensured and complied strictly by the IOs/administrative authorities which are mentioned in the Circular. The suggested time limits for conducting departmental inquiries prescribed by the Commission for various stages is also annexed in the Circular for ready reference.

4. The Circular may further be disseminated to all concerned and field offices under your Command for information and compliance.

Encl. : As above

  
**(Yogesh Kumar)**  
DDG (Vig)  
for Director General  
Defence Estates

Internal Circular: -

All Addl DGs

Director, NIDEM

All DDGs

Sr. PPS to SADG

Sr. PPS to DG

AU&RC

IT Section

Director, NIDEM

All Addl DGs

Director, NIDEM

All DDGs

Sr. PPS to SADG

Sr. PPS to DG

AU&RC

IT Section





सत्यमेव जयते



Telegraphic Address :  
"SATARKTA: New Delhi

E-Mail Address  
cenvigil@nic.in

Website  
www.cvc.nic.in

EPABX  
24600200

फैक्स/Fax : 24651186

केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023  
Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi 110023

सं./No..... 000-VGL-18/305053

दिनांक / Dated: 18.01.2016

Circular No. 02/01/2016

**Subject:** Timely completion of disciplinary proceedings/departmental inquiry proceedings—improving vigilance administration.

- Ref: (i) Commission's Circular No. 8(1)(g)/99(2) dated 19.02.1999  
(ii) Commission's Circular No. 8(1)(g)/99(3) dated 03.03.1999  
(iii) Commission's Circular No. 3(v)/99(7) dated 06.09.1999  
(iv) Commission's Circular No. 000/VGL/18 dated 23.05.2000  
(vi) Commission's Office Order No. 51/08/2004 dated 10.08.2004

The Commission has noted with serious concern that the administrative authorities are not adhering to the time-schedules prescribed for completion of disciplinary proceedings. In a recent study conducted by the Commission, it has been noticed that while the average time taken by the administrative authorities in finalisation of disciplinary proceedings is more than 2 years, the maximum time taken in a particular case was eight (8) years and at least in 22% cases the inquiry took more than two years. The Commission vide its Circular No. 8(1)(g)/99(3) dated 03.03.1999 and No. 000/VGL/18 dated 23.05.2000 has laid down the time limits for various stages of disciplinary proceedings right from the stage of investigation to finalisation of the disciplinary case. The time-limit for completion of departmental inquiry is six months from the date of appointment of the IO. Thus, it appears that this time limit is not being adhered to by a majority of the Departments/Organisations. Such long delays not only are unjust to officials who may be ultimately acquitted, but help the guilty evade punitive action for long periods. Further, they have an adverse impact on others who believe that "nothing will happen". The Commission has been emphasising from time to time on the need for expeditious completion of disciplinary proceedings.

2. Recently, the Hon'ble Supreme Court in its judgment dated 16.12.2015 in Civil Appeal No. 958 of 2010 Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr has viewed the delay in handling of disciplinary cases adversely. The Hon'ble Supreme Court while allowing the said appeal in favour of the Appellant Employee has observed as follows:

9/CVC/US/16/13/16

457

20/1  
CVO

नाम: रमा साधव  
जायरी नं०: 2/16/3  
दिनांक: 26/2/16

ज.स. (पार) & CVO  
DY. NO. 29  
2/3/16

2.3.16

Dir(CV)

2/3/16

DIR (VIG)	AY 2/3
DY NO. 29	
US (VIG-1)	
US (VIG-2)	
US (VIG-3)	

Discussed & forwarded to DDO, MES for new inf & compliance

Con: 16/5

4/3/16  
Sh. V. M. Anil



- 2
- (ii) While drafting the charge-sheet it may be ensured that all the relied upon documents as well as copies of relevant rules/instructions are in the custody of CVO. After issue of charge-sheet and submission of defence statement, the DA is required to take a decision within 15 days for appointment of IO/PO in major penalty cases.
  - (iii) As far as practicable, the IO should be chosen from amongst the serving officers/retired officers in the same station where the charged officer is posted, who is likely to continue till the conclusion of inquiry.
  - (iv) It may be ensured that the PO is appointed simultaneously. Changes in IO/PO be resorted to only in exceptional cases under intimation to the Commission (in respect of officers within the jurisdiction of the Commission).
  - (v) In cases involving more than one charged officer, it may be ensured that, as far as practicable, same IO/PO is appointed in all cases.
  - (vi) The PO must keep copies of relevant Rules/Regulations/Instructions etc. readily available with him. Departments/Organisations should also ensure online availability of all their Rules/Regulations/Instructions etc. so that it can be downloaded during the inquiry proceedings without any loss of time.
  - (vii) It may be ensured that the defence documents are made available within the time allowed by the IO. Responsibility should be fixed on the custodian of such documents for any undue delay/not producing it in time or loss of these documents.
  - (viii) The IO should normally conduct Regular Hearing on a day to day basis and not grant more than one adjournment for appearance of witnesses. It may be ensured that all the prosecution or defence witnesses are summoned and examined in separate but simultaneous batches expeditiously.
  - (ix) If witnesses do not appear in response to notices or are not produced by PO/CO as the case may be, powers conferred under the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 be exercised to request the Competent Court to pass orders for production of the witness through summons issued by the Court.
  - (x) The IO should, as far as practicable, desist from allowing interlocutory documents sought either by the PO or the CO as additional documents during the deposition of witnesses.
  - (xi) The time-limit for various stages of inquiry, as prescribed by the Commission vide its Circular No. 8(1)(g)99(3) dated 03.03.1999, may be complied with strictly by the disciplinary authorities and the inquiry officers.
  - (xii) Where the CO or PO do not co-operate in the manner of attendance, production of documents, witnesses etc., IO may after affording reasonable opportunity, proceed to give a report ex-parte based on facts, documents, witnesses produced before him.

Model Time Limit for Departmental Inquiries as laid down in Circular No. 8(1)(g)99(3) dated 03.03.1999

Stage of Departmental Inquiry	Time Limit prescribed
<ul style="list-style-type: none"> <li>◦ Fixing date of Preliminary Hearing and inspection of listed documents, submission of Defence documents/witnesses and nomination of a Defence Assistant (DA) (if not already nominated)</li> </ul>	Within four weeks
<ul style="list-style-type: none"> <li>◦ Inspection of relied upon documents/submission of list of DWs/Defence documents/Examination of relevancy of Defence documents/DWs, procuring of additional documents and submission of certificates confirming inspection of additional documents by CO/DA</li> <li>◦ Issue of summons to the witnesses, fixing the date of Regular Hearing and arrangement for participation of witnesses in the Regular Hearing</li> <li>◦ Regular Hearing on Day to Day basis</li> </ul>	3 months
<ul style="list-style-type: none"> <li>◦ Submission of Written Brief by PO to CO/IO</li> </ul>	15 days
<ul style="list-style-type: none"> <li>◦ Submission of Written Brief by CO to IO</li> </ul>	15 days
<ul style="list-style-type: none"> <li>◦ Submission of Inquiry Report from the date of receipt of written Brief by PO/CO</li> </ul>	30 days

NB: If the above schedule is not consistent /in conflict with the existing rules/ regulations of any organisation, the outer time limit of six months for completing the Departmental Inquiries should be strictly adhered to.