

6.23 Disciplinary cases not finalized for unavoidable reasons - Vigilance Commission clearance - Prior to 3 months from the date of retirement

D.O. Letter No. 4122/VC.III/2006-1, dated 04.07.2006

L.K. Tripathy, I.A.S.,
Chief Secretary to Government

Dear Thiru.Ashok Vardhan Shetty

Sub:- Disciplinary proceedings – Vigilance Cases – Sending files to Vigilance Commission for clearance – Avoidance of last minute rushing of files - instruction issued

Ref:- 1.G.O. (Ms) No.439, P&AR (N) Department, Dated 27.07.1989

2.Letter (Ms) No. 4/2000, P&AR (N) Department, Dated 21.07.1989

3.Chief Secretary's D.O.letter No. 41329/2004-1, P&AR (N) Department, Dated 03.02.2004 and 03.08.2004

4.Chief Secretary's D.O.letter No. 44676/2004-1, P&AR (N) Department, Dated 03.08.2004

Please refer to the instructions cited

2. The Government have issued instructions from time to time emphasising the need for avoiding last minute suspension of Government servants against whom disciplinary proceedings or vigilance case is pending. Instruction have also been issued for sending the files sufficiently in advance to the Personnel and Administrative Reforms Department/Vigilance Commission.

3. Since suspension causes great mental agony and causes a cascading adverse effect on the persons concerned, it should be resorted to only in respect of grave charges and sufficiently in advance Suspension on the date of retirement should be an exception.

4. Despite these clear instructions, files are referred to the Vigilance Commission/ Personnel and Administrative Reforms Department just a few days prior to the retirement of the Government servants for taking a decision on the question of allowing him\her to retire without prejudice to the pendency of the charges or to place him\her under suspension, due to non-finalisation of the proceedings. I have occasion to observe that files on disciplinary cases which were pending for years together with the Secretariat Department or the Heads of Departments are received in Vigilance Commission\Personnel and Administrative Reforms Departments just a few days or even on the last date of the retirement of the Government servant. Such last minute rushing of files not only causes hardship to the charged officer but also for the Vigilance Commission\ Personnel and Administrative Reforms Department and the Administrative Department as well.

5. I am, therefore, to request you to ensure that files on disciplinary matters are processed with utmost speed. If the cases could not be finalised for unavoidable reasons such file should be sent to the Vigilance Commission atleast 3 months prior to the dates of retirement of the delinquent officer with a clear cut proposal either to place him under suspension or to permit him to retire without prejudice to the pendency of the charges. The 3 months time limit may be scrupulously followed and any deliberate delay on sending files to Vigilance Commission will be viewed seriously and you may consider taking disciplinary action against the persons responsible for such avoidable delays.

6. Suitable instructions may be issued to the Head of Department under your administrative control in this regard.

L.K.TRIPATHY
CHIEF SECRETARY TO GOVERNMENT