

# HANDBOOK

GUIDELINES  
ON THE SUBJECT OF  
VIGILANCE CLEARANCE  
AND  
RELATED MATTERS



**BUREAU OF INDIAN STANDARDS**  
Ministry of Consumer Affairs, Food & Public Distribution  
Government of India

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**Government of India**

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This Handbook is for the use of employees of Bureau of Indian Standards. The employees may visit vigilance portal on [www.bis.org.in/intranet](http://www.bis.org.in/intranet) for latest updates.

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പ്രൊഫ. കെ.വി.തോമസ്



उपभोक्ता मामले,  
खाद्य और सार्वजनिक वितरण  
राज्य मंत्री (स्वतन्त्र प्रभार)  
भारत सरकार  
नई दिल्ली - 110 001  
MINISTER OF STATE  
(INDEPENDENT CHARGE)  
FOR CONSUMER AFFAIRS,  
FOOD & PUBLIC DISTRIBUTION  
GOVERNMENT OF INDIA  
NEW DELHI-110 001

## MESSAGE

04 JUN 2012

Corruption is the cancer that can eat into the vitals of efficient and good governance. Only prevalence of high standards of integrity at the work place and an effective system of vigilance can keep corruption under check. A corrupt-free environment instills in the common man a sense of confidence in the governance making him confident of a better life.

I am very happy to know that the Bureau of Indian Standards (BIS) has taken an appreciable initiative in bringing out a Handbook on 'Vigilance Clearance and Related Matters' to ensure proper implementation of its various rules, orders, etc. by being a valuable guide in ensuring transparency in administration.

I congratulate the BIS on its pro-active effort in bringing out this important handbook, and hope the BIS, which is responsible for identifying quality products, will always remain a perfect example on how best to conduct Government business in a manner that would command respect of one and all.

  
(Prof. K.V. Thomas)

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Secretary



भारत सरकार  
उपभोक्ता मामले, खाद्य एवं सार्वजनिक वितरण मंत्रालय  
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Government of India  
MINISTRY OF CONSUMER AFFAIRS, FOOD AND  
PUBLIC DISTRIBUTION  
Department of Consumer Affairs  
KRISHI BHAWAN, NEW DELHI - 110001

## MESSAGE

I am delighted to know that Bureau of Indian Standards is bringing out a Handbook of guidelines on the subject of vigilance clearance and related matters. To cull out all relevant circulars and guidelines specific to an issue and draw guidelines thereon in a user friendly manner and consolidate them in the form of a Handbook is a laudable initiative. This is a major step towards bringing awareness of various vigilance concepts and practices in the organization.

2. I hope the Handbook would prove handy to the employees of Bureau of Indian Standards in facilitating easy referencing of various rules and regulations concerning vigilance related matters and would assist them in performing their duties and responsibilities in an efficient and vigilant manner.
3. I congratulate Shri Alinda Chandra, Director General, BIS and his team for bringing out this Handbook.

23<sup>rd</sup> May, 2012

*Rajiv Agarwal*  
(Rajiv Agarwal)

अलिंद चन्द्रा, आई.एफ.एस.  
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DIRECTOR GENERAL



भारतीय मानक ब्यूरो

BUREAU OF INDIAN STANDARDS

Ministry of Consumer Affairs, Food & Public Distribution,  
Department of Consumer Affairs, Govt. of India

MANAK BHAVAN, 9 BAHADUR SHAH ZAFAR MARG, NEW DELHI-110002

## MESSAGE

Bureau of Indian Standards was set up as a National Standards Body by the Government recognizing the role of standardization in gearing Indian industry to competitive efficiency and quality production. In today's fast changing socio-economic environment consumer is getting increasingly aware of its rights and the industry is facing the challenge of meeting growing expectations of the customers. As such, the role of Bureau of Indian Standards has become more important in not only safeguarding the interests of the consumers but also of the Indian industry.

Bureau of Indian Standards, in order to deliver its mandated objective, has to ensure that all efforts are made by its various functionaries to ensure high standards of competence as well as integrity.

The importance of effective vigilance administration cannot be underestimated to achieve this goal. The initiative of Vigilance Department of Bureau of Indian Standards to bring out the **Handbook of the guidelines on the subject of vigilance clearance and related matters** is a significant step in this direction.

I am sure this initiative would achieve its desired objective.

  
( Alinda Chandra )



## FOREWORD

Vigilance Department of Bureau of Indian Standards (BIS), in recent past, has taken a number of initiatives to streamline vigilance related activities in the Bureau. These, inter-alia, include setting up of Vigilance Sections in various Regional Offices as well as delegation of powers vested in the Executive Committee of BIS, in respect of Rule, 18 of CCS (Conduct) Rules, 1964 to various Deputy Directors General etc.

In view of the above developments, it was considered necessary as well as important to take suitable measures to ensure that various vigilance related issues and matters are dealt with correctly and appropriately in a uniform manner across various offices of BIS in the country.

A need was therefore felt to consolidate all rules, instructions, orders etc. issued by various authorities in Government from time to time on vigilance related issues which are required to be referred to by the officers concerned while performing their duties. Vigilance Department of BIS, therefore, has put together this "**Handbook - Guidelines on the subject of Vigilance Clearance and Related Matters**" to facilitate decision making in respect of cases concerning vigilance clearance and other related matters in BIS as well as to bring awareness to all the officers/officials working in the BIS of the same.

The primary objective of this initiative is to effect speedy disposal of vigilance clearance cases etc. and bring transparency to the vigilance related work in BIS. I hope this **Handbook** would not only lead to increased efficiency in BIS but would also demystify the subject of vigilance in the minds of employees of BIS.

I would like to place on record my special appreciation for the team of officers of the Vigilance Department of BIS particularly Shri A.P.D. Dwivedi, Sc. 'D' and Shri Mahender Datt, Sc. 'B' who exhibited high degree of commitment and dedication at various stages of preparatory work and execution in bringing out this **Handbook**.

I am grateful to Shri Kashi Ram, PS and Shri H.S. Bedi, PS for their secretarial support.

New Delhi  
June 2012

**Alok Sharma**  
Chief Vigilance Officer  
Bureau of Indian Standards

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# GUIDELINES ON THE SUBJECT OF VIGILANCE CLEARANCE AND RELATED MATTERS

These guidelines have been prepared to facilitate decision making in respect of cases concerning vigilance clearance and other related matters. These are based on the instructions on the subject as on date and are subject to change.

## 1.0 CONFIRMATION OF AN OFFICER

### 1.1 Orders on the subject

1.1.1 DoPT OM no. 22011/5/86-Estt.(D) dated 10<sup>th</sup> April 1989 (**Annex I**).

### 1.2 Guidelines

1.2.1 As per above mentioned Office Memorandum (OM) a vigilance clearance from the Vigilance Section of the Office should be obtained before making actual promotion or confirmation of officer approved by Departmental Promotion Committee(DPC) to ensure that no Departmental Proceedings are pending against the officer concerned.

## 2.0 PROMOTION

### 2.1 Orders on the subject

2.1.1 DoPT OM no. 22011/4/91-Estt.(A) dated 14<sup>th</sup> September 1992 (**Annex II**) and DoPT O.M. no. 22011/5/86-Estt.(D) dated 10<sup>th</sup> April 1989 (clause 17.1) (**Annex I**).

### 2.2 Guidelines

2.2.1 As per above mentioned OMs at the time of consideration of cases of Government Servant for promotion, details of Government Servant in the consideration zone for promotion falling under the following category should be specifically brought to the notice of Departmental Promotion Committee:-

- a) Government servants under suspension.
- b) Government servants in respect of whom a charge sheet has been issued and disciplinary proceedings are pending.
- c) Government servants in respect of whom prosecution for criminal charge is pending.

2.2.2 In addition, a vigilance clearance from the Vigilance Section of the Office should be obtained before making actual promotion or confirmation of officer approved by DPC to ensure that no Departmental Proceedings are pending against the officer concerned.

## 3.0 RESIGNATION

### 3.1 Orders on the subject

3.1.1 DoPT O.M. No. 28034/4/94-Estt.(A) dated 31<sup>st</sup> May 1994, G.I. MHA (D.P. & A.R.) OM no. 24011/1/76-Estt(B) dated 17<sup>th</sup> May 1976 (**Annex III**) and Clause 6.14.1 of CVC Vigilance Manual 2005 (**Annex IV**).

### 3.2 Guidelines

3.2.1 As per above mentioned OM orders, in all cases of resignation, the Competent Authority, shall insist, as mandatory measure on prior vigilance clearance, before taking decision on the request for resignation.

3.2.2 A check list of points for consideration of cases of resignation has been prescribed which, inter alia, includes the following points:

- (i) Whether any inquiry or investigation or disciplinary case is pending or contemplated.
- (ii) Whether under suspension.

3.2.3 If an officer against whom an inquiry or investigation is pending (whether he has been placed under suspension or not) submits his resignation, such resignation should not normally be accepted. Where, however, the acceptance of resignation in such a case is considered necessary in public interest because one or more of the following conditions are fulfilled, the resignation may be accepted with the prior approval of the Head of Department in case of holders of Group 'C' and Group 'D' posts and that of the Minister-in-charge in respect of holders of Group 'A' and Group 'B' posts:-

- i) Where the alleged offence do not involve moral turpitude; or
- ii) Where the quantum of evidence against the accused officer is not strong enough to justify the assumption that if the departmental proceedings were continued, the officer would be removed or dismissed from service; or
- iii) Where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.

3.2.4 Concurrence of the Central Vigilance Commission should also be obtained if the Central Vigilance Commission had advised initiation of departmental action against the government servant concerned or such action has been initiated on the advice of the Central Vigilance Commission.

## 4.0 VOLUNTARY RETIREMENT

### 4.1 Orders on the subject

4.1.1 Dept. of Per. & A.R., O.M. No. 25013/7/77-Estt. (A) dated the 26th August, 1977, O.M. No. 25013/3/79-Ests. (A), dated the 28th July, 1979, O.M. No. 25013/10/85-Estt. (A), dated the 5th July, 1985 and Dept. of Per. & Trg., O.M. No. 25013/3/2003-Estt. (A), dated the 17th June, 2003 (**Annex V**).

### 4.2 Guidelines

4.2.1 As per these orders, a notice of voluntary retirement given after completion of 20 years of qualifying service will require acceptance by the Appointing Authority.

4.2.2 The acceptance may be generally given in all cases except these:

- a) In which the disciplinary proceedings are pending or contemplated against the Government Servant concerned for imposition of a major penalty and the Disciplinary Authority having regard to the circumstances of the case is of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case, or
- b) In which the prosecution is contemplated or may have been launched in a Court of Law against the Government servant concerned.
- c) If it is proposed to accept the notice of voluntary retirement even in above mentioned cases, approval of the Minister In-charge should be obtained in regard to Group 'A' and Group 'B' Officer and that all the Heads of the Department in the case of Group 'C' and Group 'D' Government servants.
- d) The Government Servants given notice may presume acceptance of the notice of voluntary retirement and the retirement shall be effective in terms of the notice unless the Competent Authority issues an order to the contrary before the expiry of the period of notice.

## 5.0 RETIREMENT ON SUPERANNUATION

### 5.1 Orders on the subject

- 5.1.1 Sub Rule 4 of the Rule 9 of the CCS(Pension) Rules, 1972 (**Annex VI**) and Sub-Rule (3) of Rule 39 of the CCS(Leave) Rules, 1972 (**Annex VII**).

### 5.2 Guidelines

- 5.2.1 The information regarding the pendency of any departmental or judicial proceedings against the Government Servant is required in order to sanction pension, gratuity and encashment of leave of the retiring officer.

## 6.0 NOMINATION OF OFFICERS FOR FOREIGN DEPUTATION IN CONNECTION WITH STANDARDIZATION, CONFORMITY ASSESSMENT, TRAINING, ETC.

- 6.0.1 As per clause 5.1 of Guidelines for Foreign Deputation of officers working in BIS approved by Executive Committee in its 94<sup>th</sup> meeting held on 17<sup>th</sup> May, 2010, BIS officers should be clear from the Vigilance & Administrative angle for being considered for following broadly categorized foreign deputations (**Annex VIII**):-

- ISO, IEC, SAARC and other such meetings.
- Cooperation programme and related activities.
- WTO and related activities.
- Training
- Conformity Assessment related to FMCS, Management System Certification, Hall Marking and related activities, Laboratory and related activities.
- Any other deputation not covered above but considered important by DG for BIS.

### 6.1 Orders on the subject

- 6.1.1 DoPT OMs no. 11012/11/2007-Estt (A) dated 14<sup>th</sup> December 2007 and 27<sup>th</sup> September 2011 (**Annex IX and X**), Department of Consumer Affairs letter no. 8/1/2012-Vig dated 29<sup>th</sup> March 2012 (**Annex X-A**).

### 6.2 Guidelines

- 6.2.1 The above mentioned orders are applicable in respect of:-
- a) Empanelment
  - b) Any deputation for which clearance is necessary.
  - c) Appointment to sensitive posts and assignments to training programmes (except mandatory training)

6.2.2 In all these cases the vigilance status may be placed before and considered by the Competent Authority before a decision is taken.

6.2.3 The circumstances under which vigilance clearance shall not be withheld shall be as under:

- a) Vigilance clearance shall not be withheld due to the filing of a complaint, unless it is established on the basis of at least a preliminary inquiry or on the basis of any information that the concerned Department may already have in its possession, that there is, prima facie, substance to verifiable allegations regarding (i) corruption (ii) possession of assets disproportionate to known source of income (iii) moral turpitude (iv) violation of the Central Civil Services (Conduct) Rules, 1964.
- b) Vigilance clearance shall not be withheld if a preliminary inquiry mentioned above takes more than three months to be completed.
- c) Vigilance clearance shall not be withheld unless
  - (i) the officer is under suspension
  - (ii) a charge sheet has been issued against the officer in a disciplinary proceeding and the proceeding is pending
  - (iii) orders for instituting disciplinary proceeding against the officer have been issued by the Disciplinary Authority provided that the charge sheet is served within three months from the date of passing such order
  - (iv) charge sheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending
  - (v) orders for instituting a criminal case against the officer have been issued by the Disciplinary Authority provided that the charge sheet is served within three months from the date of initiating proceedings
  - (vi) sanction for investigation or prosecution has been granted by the Competent Authority in a case under the PC Act or any other criminal matter
  - (vii) an FIR has been filed or a case registered by the concerned Department against the officer provided that the charge sheet is served within three months from the date of filing/registering the FIR/case and
  - (viii) the officer is involved in a trap/raid case on charges of corruption and investigation is pending.

- d) Vigilance clearance shall not be withheld due to an FIR filed on the basis of a private complaint unless a charge sheet has been filed by the investigating agency provided that there are no directions to the contrary by a competent Court of Law.
  - e) Vigilance clearance shall not be withheld even after sanction for prosecution if the investigating agency has not been able to complete its investigations and file charges within a period of two years. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the parent cadre in case he is on deputation and not for any other dispensation listed at para 6.2.1.
- 6.2.4 In cases where complaints have been referred to the administrative authority concerned, and no substantive response has been received from such administrative authority concerned within three months from the date on which the reference was made, the 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.
- 6.2.5 Vigilance clearance shall be decided on a case-by-case basis by the Competent authority keeping in view the sensitivity of the purpose, the gravity of the charges and the facts and circumstances, in the following situations:
- a) Where the investigating agency has found no substance in the allegation but the court refuses to permit closure of the FIR; and
  - b) where the investigating agency/inquiry officer holds the charges as proved but the competent administrative authority differs, or the converse.
- 6.2.6 Vigilance clearance will not normally be granted for a period of three years after the currency of the punishment, if a minor penalty has been imposed on an officer. In case of imposition of a major penalty, vigilance clearance will not normally be granted for a period of five years, after the currency of punishment. During the period, the performance of the officer should be closely watched.
- 6.2.7 Vigilance clearance shall be withheld if the officer fails to submit his annual immovable property return (AIPR) of the previous year by 31 January of the following year. In all such cases, where vigilance clearance was withheld due to non submission of AIPR by 31 January of following year, vigilance clearance shall not be withheld any further on subsequent submission of AIPR by the officer.

6.2.8 The officer shall submit the AIPR in his/her office. The date of submission of AIPR in the office will be considered as date of submission of AIPR under the orders on the subject mentioned in para 9.1.1.

## 7.0 FORWARDING OF APPLICATIONS FOR OTHER POSTS

### 7.1 Orders on the subject

7.1.1 DoPT OM no. AB 14017/101/91-Estt(RR) dated 14<sup>th</sup> May 1993 (**Annex XI**).

### 7.2 Guidelines

7.2.1 Application of a Government servant for appointment, whether by Direct Recruitment, transfer on deputation or transfer, to any other post should not be considered/forwarded if:-

He is under suspension; or

- (i) Disciplinary proceedings are pending against him and a charge sheet has been issued; or
- (ii) Sanction for prosecution, where necessary has been accorded by the competent authority; or
- (iii) Where a prosecution sanction is not necessary, a charge sheet has been filed in a court of law against him for criminal prosecution.

7.2.2 When the conduct of a Government Servant is under investigation (by the CBI or by the controlling Department) but the investigation has not reached the stage of issue of charge sheet or prosecution sanction or filing of charge-sheet for criminal prosecution in a court, the application of such a Government servant may be forwarded together with brief comments on the nature of allegations.

7.2.3 It should also be made clear that in the event of actual selection of the Government servant, he would not be released for taking up the appointment, if by that time charge sheet for imposition of penalty under CCS (CCA) Rules, 1965 or sanction for prosecution is issued or a charge sheet is filed in a court to prosecute the Government servant, or he is placed under suspension.

## 8.0 ROTATION OF OFFICIALS WORKING IN SENSITIVE POSTS.

### 8.1 Orders on the subject

8.1.1 DoPT OM no. 11012/11/2007-Estt (A) dated 14<sup>th</sup> December 2007 and 27<sup>th</sup> September 2011 (**Annex IX & X**), CVC letter no. 98/VGL/60 dated 15<sup>th</sup> April 1999 and 2<sup>nd</sup> November 2001 (**Annex XII & XIII**), para 2.13 (v) of CVC Vigilance Manual, 2005 (**Annex XIV**).

### 8.2 Guidelines

- 8.2.1 A list of sensitive posts in various Departments/Organizations should be identified.
- 8.2.2 Ensure that officials posted on sensitive posts are rotated every two/three years to avoid developing vested interests.
- 8.2.3 Postings in the Vigilance Wings/departments are classified as sensitive.
- 8.2.4 Sensitive posts in an organization are those posts that are prone to corruption.
- 8.2.5 Vigilance clearance for appointments to sensitive posts is regulated by orders referred to in para 6.1.1 and guidelines elaborated in various sub paras of para 6.2 of this Handbook.

## 9.0 ANNUAL IMMOVABLE PROPERTY RETURN

### 9.1 Orders on the subject

9.1.1 Rule 18 (1) (ii) of CCS(Conduct) Rules 1964 (**Annex XV**) and DoPT O.M. no. 11012/11/2007-Estt A dated 27<sup>th</sup> September 2011 (**Annex X**).

### 9.2 Guidelines

- 9.2.1 Rule 18(1)(ii) provides that every Group 'A' & Group 'B' Government Servant shall submit an Annual Return in such a form as prescribed by the Government giving full particulars regarding the immovable property inherited by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.
- 9.2.2 DoPT vide OM dated 27<sup>th</sup> September 2011 (**Annex X**) has added a sub-para (f) in para 2 of DoPT OM No. 11012/11/2007-Estt A dated 14<sup>th</sup> December 2007 (**Annex IX**) on the subject of grant of vigilance clearance.

- 9.2.3 As per the above mentioned O.M., Group 'A' and Group 'B' Officers are required to submit their annual immovable property return by 31<sup>st</sup> January of the following year.
- 9.2.4 Submission of AIPR by 31<sup>st</sup> January of the following year by the officers in the Office where they are working should be considered as compliance to these instructions.

## 10.0 ACQUIRING OR DISPOSING OF ANY IMMOVABLE PROPERTY BY GOVERNMENT SERVANT

### 10.1 Orders on the subject

- 10.1.1 Rule 18 (2) of CCS (Conduct) Rules, 1964 (**Annex XV**).

### 10.2 Guideline

- 10.2.1 No Government Servant shall except with the previous knowledge of the prescribed authority acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family. The proforma to be filled up by the Government Servant for the previous knowledge of the prescribed authority is available on BIS intranet.
- 10.2.2 All the columns of the prescribed proforma are to be filled by the Government Servant indicating the total cost of the property under reference with full details of its financing, etc.
- 10.2.3 The prescribed proforma does not seek any supporting document in respect of information submitted in the proforma. Instead, a self-declaration of the Government Servant has been included in the proforma.
- 10.2.4 The Government Servant is not seeking any approval but is only bringing the proposed transaction to the knowledge of the prescribed authority as required under this Rule.
- 10.2.5 Whenever, a Government Servant proposes to enter into a transaction in respect of any immovable property with a person having official dealings with him, previous sanction of the prescribed authority needs to be obtained.

## 11.0 TRANSACTIONS IN RESPECT OF MOVABLE PROPERTY

### 11.1 Orders on the subject.

11.1.1 Rule 18 (3) of CCS (Conduct) Rule 1964 (**Annex XV**).

### 11.2 Guidelines

- 11.2.1 If a Government Servant enters into a transaction in respect of movable property, either in his own name or in the name of any member of his family, of value that exceeds two months basic pay of the Government Servant, in that case, he is required to report the same to the prescribed authority within one month from the date of such transaction.
- 11.2.2 In case such transaction is with a person having official dealings with him, previous sanction of the prescribed authority would be necessary.

## 12.0 ISSUE OF IDENTITY CERTIFICATE (IC) OR NO OBJECTION CERTIFICATE (NOC) FOR ISSUE OF ORDINARY PASSPORT.

### 12.1 Orders on the subject

12.1.1 MEA, CPV Division OM no. VI/401/01/05/2008 dated 05<sup>th</sup> October 2009 (**Annex XVI**), Section 6(2) of the Passport Act 1967 (**Annex XVII**).

### 12.2 Guidelines

- 12.2.1 A Government Servant would have an option to submit either Identity Certificate (IC) or No Objection Certificate (NOC). If IC is submitted, passport will be issued without police verification and if NOC is submitted passport will be issued on post police verification basis.
- 12.2.2 The Government organization would issue IC certifying the identity of the Government Servant stating, inter alia, that the provisions of Section 6(2) of the Passports Act 1967 are not attracted in the case of the applicant.
- 12.2.3 The Government organization would issue an NOC stating that they have no objection to the Government servant to his obtaining a passport.
- 12.2.4 Section 6(2) of the Passport Act 1967 states that Passport Authority shall refuse to issue a passport for visiting any foreign country on any of the following grounds:

- (i) that the applicant is not a citizen of India;
- (ii) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;
- (iii) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;
- (iv) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;
- (v) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a Court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;
- (vi) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;
- (vii) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;
- (viii) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;
- (ix) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

## 13.0 PRIOR PERMISSION TO VISIT ABROAD

### 13.1 Orders on the subject

13.1.1 DoPT O.M. no. 11013/7/94-Estt (A) dated 18<sup>th</sup> May 1994 (**Annex XVIII**), DoPT O.M. no. 11013/8/2000-Estt (A) dated 7<sup>th</sup> November 2000 (**Annex XIX**), DoPT O.M. no. 11013/7/2004-Estt (A) dated 5<sup>th</sup> October 2004 (**Annex XX**), 1<sup>st</sup> September 2008 (**Annex XXI**) & 15<sup>th</sup> December 2004 (**Annexure-XXII**) and Additional Secretary, Ministry of Consumer Affairs, Food and Public Distribution letter no. 3/7/2009-Vig dated 27<sup>th</sup> July 2009 (**Annex XXIII**).

## 13.2 Guidelines

- 13.2.1 Prior permission of leave sanctioning authority is essential before a govt. servant leaves his station or headquarters and more so when he proposes to go abroad during such absence, as such visit may have wider implications.
- 13.2.2 In case the leave applied for the purpose of visiting foreign country is sanctioned, it would imply that permission for going abroad is also granted.
- 13.2.3 Separate permission may not be necessary where a government servant has indicated his intention of leaving Headquarters/station alongwith leave address while applying for leave.
- 13.2.4 Leave sanctioning authority while granting leave shall take prior approval, if required, for permitting the officer to go abroad as per the existing instructions.
- 13.2.5 Leave sanctioning authority shall take prior approval of the Competent Authority, if any, prescribed by the Cadre Authority or the administrative Ministries/Departments themselves, in terms of these instructions.
- 13.2.6 Department of Personnel and Training has not issued any instructions in this regard. In the absence of any such instructions, the approval of the leave sanctioning authority would imply approval to the visit abroad also.
- 13.2.7 The government servant is required to furnish information relating to the proposed and previous private visits as per the proforma prescribed (**Annex XXII**).
- 13.2.8 Leave sanctioning authority shall keep a record of all such permission granted in the proforma prescribed (**Annex XXII**).
- 13.2.9 Permission to visit abroad may be given or denied by the Leave Sanctioning Authority after going through all aspects including pending Vigilance/Disciplinary proceedings.

## 14.0 VIGILANCE ANGLE

### 14.1 Orders on the subject

- 14.1.1 CVC office order no. 23/04/04 dated 13 April 2004 (**Annex XXIV**), CVC office order no. 74/12/05 dated 21 December 2005 (**Annex XXV**).

## 14.2 Guidelines

- 14.2.1 Vigilance angle is obvious in the following acts:
- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
  - (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
  - (iii) Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
  - (iv) Possession of assets disproportionate to his known sources of income.
  - (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.
- 14.2.2 In respect of following irregularities, Disciplinary Authority should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned:-
- (i) Gross or willful negligence,
  - (ii) Recklessness in decision making,
  - (iii) Blatant violations of systems and procedures,
  - (iv) Exercise of discretion in excess,
  - (v) Where no ostensible/public interest is evident,
  - (vi) Failure to keep the controlling authority/superiors informed in time.
- 14.2.3 Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of a vigilance angle in a case.

## 15.0 MORAL TURPITUDE

### 15.1 Orders on the subject

- 15.1.1 Allahabad High Court's definition in the case of Baleshwar Singh V. District Magistrate, AIR 1963, All 71 and observations thereon of Supreme Court in the case of Allahabad Bank and Another V. Deepak Kumar Bhola 1997 (4) SCC 1 (**Annex XXVI**).

## 15.2 Guidelines

- 15.2.1 Moral turpitude means anything done contrary to justice, honesty, modesty or good morals.
- 15.2.2 An act of abuse of official position or acts done with a dishonest intention or where the motive is a base one or where it shocks the moral conscience of the society or where the person committing the act may be looked down upon by the society as a depraved person will involve moral turpitude.
- 15.2.3 Every violation of law would not necessarily involve moral turpitude.
- 15.2.4 The intention behind the act will decide whether it involves moral turpitude or not.

## 16.0 PENDENCY OF DEPARTMENTAL/DISCIPLINARY PROCEEDINGS

### 16.1 Orders on the subject

- 16.1.1 Rule 9 (6) (a) of CCS (Pension) Rules (**Annex VI**) and observations of Allahabad High Court in State of U.P. v. Jai Singh Dixit (1976) 2 LLJ(ALL)246 (**Annex XXVII**).

### 16.2 Guidelines

- 16.2.1 Departmental proceedings shall be deemed to be instituted from the date on which the statement of charges is issued to the government servant.
- 16.2.2 The pendency of a disciplinary proceeding starts with the issue of the charge sheet and continues till final order is made by the disciplinary authority.
- 16.2.3 A departmental proceeding is deemed to be instituted, if the government servant has been placed under suspension from an earlier date, on such date.

## 17.0 CONTEMPLATION OF DISCIPLINARY CASE

### 17.1 Orders on the subject

- 17.1.1 Observations of Allahabad High Court in State of U.P. v. Jai Singh Dixit (1976) 2 LLJ(ALL)246 (**Annex XXVII**).

## 17.2 Guidelines

- 17.2.1 A departmental enquiry is contemplated when on objective consideration of the material, the appointing authority considers the case, as one which would lead to a departmental enquiry.
- 17.2.2 A Disciplinary case against a government servant is considered contemplated from the date the Disciplinary Authority takes a view to proceed, under Rule 14 or Rule 16 of CCS (CCA) Rules, against the officer in a case to the date of issue of charge sheet.

## 18.0 INSTITUTION OF JUDICIAL PROCEEDINGS

### 18.1 Orders on the subject

- 18.1.1 Rule 9 (6) (b) of CCS (Pension) Rules (**Annex VI**).

### 18.2 Guidelines

- 18.2.1 In the case of criminal proceedings, judicial proceedings shall be deemed to be instituted on the date on which the complaint or report of a police officer, of which the Magistrate takes cognizance, is made.
- 18.2.2 In the case of civil proceedings, judicial proceedings, shall be deemed to be instituted on the date the complaint is presented in the Court.

No. 22011/5/86-Estt.(D)  
Government of India  
Ministry of Personnel, Public Grievances  
and Pensions  
Department of Personnel and Training

\*\*\* \*\*

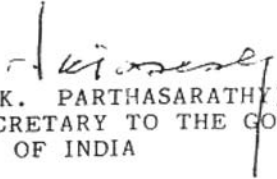
New Delhi, dated the 10th April, 1989

OFFICE MEMORANDUM

Subject : Departmental Promotion Committees and related  
matters - Consolidated instructions on -

...

The undersigned is directed to say that instructions on the constitution and functioning of Departmental Promotion Committees and the procedure to be followed in processing and implementing the recommendations of D.P.Cs. were issued in a consolidated form, vide this Department's OM No. 22011/6/75-Estt.(D), dated 30th December, 1976. Instructions have also been issued subsequently clarifying/modifying certain aspects of the procedure. The various instructions have been updated and consolidated in the form of "Guide Lines on Departmental Promotion Committees", a copy of which is forwarded herewith.

  
(S.K. PARTHASARATHY)  
JOINT SECRETARY TO THE GOVT.  
OF INDIA

To

All the Ministries/Departments of the Govt. of India.

/TS/

**DoPT OM No. 22011/6/75-Estt.(D) dated 30<sup>th</sup> December 1976  
(Extract)**

**Implementation of recommendation of DPC-Vigilance Clearance**

17.1 A clearance from the Vigilance Section of the Office/ Department should also be obtained before making actual promotion or confirmation of officer approved by DPC to ensure that no disciplinary proceedings are pending against the officer concerned.

**Order in which promotions to be made**

17.2 Promotion of whatever duration should as far as possible be made in the order in which the names of the officers appear in the panel. Exception to this rule may be necessary where a large number of vacancies are to be filled within a comparatively short period or it is convenient and desirable to make postings with due regard to the location and experience of the officers concerned or where short term vacancies have to be filled on local and ad-hoc basis.

**Where eligible by direct recruitment and promotion**

17.3 If a person's name is included in the panel for promotion to the higher post (to which appointment can be made by promotion as well as by direct recruitment) and also in the panel for direct recruitment to the said higher post, he should be appointed as a direct recruit or as a promotee, having regard to the fact whether his turn for appointment comes earlier from the direct recruitment list or from the promotion list, as the case may be.

**Promotion of officers on deputation**

13.4.1 If the panel contains the name of a person who has gone on deputation or on foreign service in the public interest including a person who has gone on study leave, provision should be made for his regaining the temporarily lost seniority in the higher grade on his return to the cadre. Therefore, such an officer need not be reconsidered by a fresh DPC, if any, subsequently held, while he continues to be on deputation/ foreign service/ study leave so long as any officer junior to him in the panel is not required to be so considered by a fresh DPC irrespective of the fact whether he might or might not have got the benefit of proforma promotion under the NBR. The same treatment will be given to an officer included in the panel who could have been promoted within the currency of the panel but for his being away on deputation.

No.22011/4/91-Estt.(A)

Government of India

Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel & Training

North Block, New Delhi-110001

Dated, the 14<sup>th</sup> Sept., 1992

**OFFICE MEMORANDUM**

**Subject: *Promotion of Government servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation – Procedure and guidelines to be followed.***

O.M.No.

39/3/59-Estt.A dt. 31.8.60

7/28/63-Estt. A dt.22.12.64

22011/3/77-Estt.A

dt.14.7.77

22011/1/79.Estt.A

dt. 31.1.82

22011/2/86-Estt.A

dt. 12.1.88

22011/1/91-Estt.A

dt. 31.7.91.

The undersigned is directed to refer to Department of Personnel & Training O.M.No.22011/2/86-Estt.(A) dated 12<sup>th</sup> January, 1988 and subsequent instructions issued from time to time on the above subject and to say that the procedure and guidelines to be followed in the matter of promotion of Government servants against whom disciplinary/Court proceedings are pending or whose conduct is under investigation have been reviewed carefully. Government have also noticed the judgment dated 27.8.1991 of the Supreme Court in Union of India etc. Vs. K.V. Jankiraman etc. (AIR 1991 SC 2010). As a result of the review and in supersession of all the earlier instructions on the subject (referred to in the margin). The procedure to be followed in this regard by the authorities concerned is laid down in the subsequent paras of this O.M. for their guidance.

Cases of Government Servants to whom Sealed Cover Procedure will be applicable

2. At the time of consideration of the cases of Government servant for promotion, details of Government servant in the consideration zone for promotion falling under the following category should be specifically brought to the notice of the Departmental Promotion Committee:-

- i) Government servants under suspension;
- ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- iii) Government servants in respect of whom prosecution for criminal charge is pending.

**Procedure to be followed by DPC in respect of Government servants under cloud**

2.1 The Departmental Promotion Committee shall assess the suitability of Government servants coming within the purview of the circumstances mentioned above along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the DPC including 'unfit for promotion' and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed 'Findings regarding suitability for promotion to the grade/post of .....in respect of Shri.....(name of the Government servant). Not to be opened till the termination of the disciplinary case/criminal prosecution against Shri.....'. The proceeding of the DPC need only contain the note 'The findings are contained in the attached sealed cover'. The authority competent to fill the vacancy should be separately advised to fill the vacancy in the higher grade only in an officiating capacity when the findings of the DPC in respect of the suitability of a Government servant for his promotion are kept in a sealed cover.

**Procedure by subsequent DPCs.**

2.2 The same procedure outlined in para 2.1 above will be followed by the subsequent Departmental Promotion Committee convened till the disciplinary case/criminal prosecution against the Government servant concerned is concluded.

**Action after completion of disciplinary case/criminal prosecution.**

3. On the conclusion of the disciplinary case/criminal prosecution which results in dropping of allegations against the Government servant, the sealed cover or covers shall be opened. In case the Government servant is completely exonerated the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior most officiating person. He may be promoted notionally with reference to the date of promotion of his junior. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion and if so to what extent, will be decided by the appointing authority by taking into consideration all the facts and

circumstances of the disciplinary proceeding/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal, are, for example delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of nonavailability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.

3.1 If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him.

3.2 It is also clarified that in a case where disciplinary proceedings have been held under the relevant disciplinary rules, 'warning' should not be issued as a result of such proceedings. If it is found as a result of the proceedings, that some blame attached to the Government servant, at least the penalty of 'censure' should be imposed.

**Six Monthly review of  
"Sealed Cover" cases.**

4. It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any Government servant is not unduly prolonged and all efforts to finalize expeditiously the proceedings should be taken so that the need for keeping the case of a Government servant in a sealed cover is limited to the barest minimum. It has, therefore, been decided that the appointing authorities concerned should review comprehensively the cases of Government servants, whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first Departmental Promotion Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also every six months. The review should, inter alia, cover the progress made in the disciplinary proceedings/criminal prosecution and the further measures to be taken to expedite their completion.

**Procedure for ad-hoc promotion.**

5. In spite of the six monthly review referred to in para 4 above, there may be some cases, where the disciplinary case/criminal prosecution against the Government servant is not concluded even after the expiry of two years from the date of the meeting of the first DPC, which kept its findings in respect of the Government servant in a sealed cover. In such a situation the appointing authority may review the case of the Government servant, provided he is not under suspension, to consider the desirability of giving him ad-hoc promotion keeping in view the following aspects:-

- a) Whether the promotion of the officer will be against the public interest;
- b) Whether the charge are grave enough to warrant continued denial of promotion;
- c) Whether there is any likelihood of the case coming to a conclusion in the near future;
- d) Whether the delay in the finalization of proceedings, departmental or in a court of law, is not directly or indirectly attributable to the Government servant concerned; and
- e) Whether there is any likelihood of misuse of official position which the Government servant may occupy after adhoc promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

The appointing authority should also consult the Central Bureau of Investigation and take their views into account where the departmental proceedings or criminal prosecution arose out of the investigations conducted by the Bureau.

5.1 In case the appointing authority comes to a conclusion that it would not be against the public interest to allow ad-hoc promotion to the Government servant, his case should be placed before the next DPC held in the normal course after the expiry of the two year period to decide whether the officer is suitable for promotion on ad-hoc basis. Where the Government servant is considered for ad-hoc promotion, the Departmental Promotion Committee should make its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecutions against him.

5.2 After a decision is taken to promote a Government servant on an ad-hoc basis, an order of promotion may be issued making it clear in the order itself that:-

- i) the promotion is being made on purely ad-hoc basis and the ad-hoc promotion will not confer any right for regular promotion; and
- ii) the promotion shall be “until further orders”. It should also be indicated in the orders that the Government reserve the right to cancel the ad-hoc promotion and revert at any time the Government servant to the post from which he was promoted.

5.3 If the Government servant concerned is acquitted in the criminal prosecutions on the merits of the case or is fully exonerated in the departmental proceeding, the ad-hoc promotion already made may be confirmed and the promotion treated as a regular one from the date of the ad-hoc promotion will all attendant benefits. In case the Government servant could have normally got his regular promotion from a date prior to the date of his ad-hoc promotion with reference to his placements in the DPC proceedings kept in the sealed cover(s) and the actual date of promotion of the person ranked immediately junior to him by the same DPC. He would also be allowed his due seniority and benefit of notional promotion as envisaged in para 3 above.

5.4 If the Government servant is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher court or to proceed against him departmentally or if the Government servant is not exonerated in the departmental proceedings, the ad-hoc promotion granted to him should be brought to an end.

**Sealed cover procedure for confirmation**

6. The procedure outlined in the preceding paras should also be followed in considering the claim for confirmation of an officer under suspension, etc. A permanent vacancy should be reserved for such an officer when his case is placed in sealed cover by the DPC.

**Sealed cover procedure applicable to officers coming under cloud after holding of DPC but before promotion.**

7. A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 2 above arise after the recommendations of the DPC are received but before he is actually promoted, will be considered

as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in this O.M. will be applicable in his case also.

8. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

9. Hindi version will follow.

Sd/-  
(M.S. Bali)  
Director

To

All Ministries and Departments of the Government of India with usual number of spare copies.

No.22011/4/91-Estt.(A) Dated the 14<sup>th</sup> Sept.,1992

Copy forwarded for information to:-

1. Central Vigilance Commission, New Delhi.
2. Central Bureau of Investigation, New Delhi.
3. Union Public Service Commission, New Delhi.
4. Comptroller and Auditor General, New Delhi.
5. President's Secretariat/Vice-President's Secretariat/  
Lok Sabha Secretariat/Rajya Sabha Secretariat and  
Prime Minister's Office.
6. Chief Secretaries of All States and Union Territories.
7. All Officers and Administrative Sections in the  
Ministry of Personnel, Public Grievances and  
Pensions and Ministry of Home Affairs.

Sd/-  
( M.S Bali )  
Director

[RULE 26]

**Central Civil Services (Pension) Rules, 1972  
(Extract)**

**(4) Prior vigilance clearance should be obtained before taking decision on the request for resignation.**- In recent times, cases have come to notice where resignation of officials not falling in the two categories, viz.,

- (i) requests from officials under suspension for resignation.
- (ii) requests from officials against whom inquiry/investigation is pending (whether he had been placed under suspension or not) for resignation. have been accepted without insisting on vigilance clearance and subsequently it comes to light that the said official while in service had been involved in serious irregularities.

In view of this, it has now been decided that in all cases of acceptance of resignation, the Competent Authority shall insist, as a mandatory measure, on prior vigilance clearance, before taking decision on the request for resignation. When an authority refers a case for vigilance clearance, the authority competent to accord vigilance clearance should ensure expeditious consideration of the request.

[G.I., Dept. of Per. & Trg., O.M. No. 28034/4/94-Estt. (A), dated the 31st May, 1994.]

**(6) Check-list of points for consideration of cases of resignation.** - For the purpose of expeditious disposal of cases of resignation from Government service including notices given by temporary Government servants under Rule 5 of CCS (TS) Rules, the following check-list of points with reference to which such cases may be examined has been prescribed by the Government.

**CHECK-LIST OF POINTS FOR CONSIDERATION**

**Part-I - General Information**

- |    |  |     |     |
|----|--|-----|-----|
| 1. | Name and present designation   | ... | ... |
| 2. | Post held including name of establishment:   |     |     |
|    | (i) Substantive  | ... | ... |
|    | (ii) Officiating   | ... | ... |
| 3. | Any post, other than the present appointment, held during 6 months prior to the month in which resignation is tendered | ... | ... |
| 4. | Permanent residential address  | ... | ... |

**Part-II - Points to be checked up before accepting resignation**

5. The date on which the Government servant wants to be relieved from service

6. (i) Whether any inquiry or investigation or disciplinary case is pending or contemplated ... ..  
(ii) Whether under suspension ... ..
7. Whether the Government servant concerned has executed any Bond for serving the Government for a specified number of years of account of his being given specialized training, fellowship/scholarship for studies or deputed for training whether in India or abroad, and if so, the Bond period is over
8. Time required for filling up the post and/or making alternative arrangements
9. Authority competent to accept resignation, i.e., Appointing Authority

**Part-III - If the resignation is accepted, points to be checked up before relieving the Government servant**

10. Whether alternative arrangements have been made for discharge of the duties of the post including arrangements for taking over charge of cash/stores in the custody of Government servant (wherever applicable) ...

**Controlling Officer: -**

11. Whether the Government servant has surrendered and obtained 'No Demand Certificates' in respect of—
  - (i) MHA/Departmental Identity Card
  - (ii) Library cards/Tokens of the Central Sectt. Library and/or Departmental Library, etc.
  - (iii) CGHS Identity card
  - (iv) Typewriters, brief-cases, cycles, Liveries, etc. (wherever applicable)
  - (v) Headgear set and locker in case of TO and other tools in case of other cadres
12. Arrangement made for recovery of outstanding advances/loans, if any, taken or any other category of dues, viz.,—
  - (i) Training allowance paid to the official
  - (ii) House Building Advance
  - (iii) Advance for purchase of Motor Car/Motor Cycle/Scooter/Cycle
  - (iv) Festival Advance/Flood Advance
  - (v) Any other dues, such as—

- (a) Amounts due to be recovered from or settled by, the employee in respect of money/material entrusted to him in the course of his official duties in this or earlier posts
  - (b) Recoveries ordered to be made as a result of disciplinary proceedings ...
- 13. Whether the Government servant is in occupation of Government accommodation. If so, whether the dues in respect of such accommodation (including electrical appliances, etc.) have been settled and a No Demand Certificate obtained.
- 14. Whether accounts in respect of water and electricity charges in respect of Government accommodation held by the Government servant have been settled with the concerned Municipality/Corporation
- 15. In case where the Government servant has not been in occupation of any Government residential accommodation during the service, whether 'No Demand Certificate' has been issued by the Ministry/Department as required in Ministry of W.H. & R. Memo. No. 15-362- ACC. I, dated the 19<sup>th</sup> October, 1963
- 16. Whether any cash deposit/security of sufficient value has been taken where it is not found possible to make a correct assessment of the dues immediately
- 17. Leave sanctioned to the official from previous half-year and any leave sanctioned extra, if so leave salary paid. The Personal File and Service Book may also be forwarded
- 18. Any other section concerned

[G.I., M.H.A., (D.P. & A.R.), O.M. No. 24011/1/76-Estt. (B), dated the 17th May, 1976.]

**VIGILANCE MANUAL**  
**VOLUME I**  
**CENTRAL VIGILANCE COMMISSION**  
**Sixth Edition - 2005**  
**(Extract)**

**ACCEPTANCE OF RESIGNATION/ NOTICE FOR VOLUNTARY RETIREMENT DURING SUSPENSION**

- 6.14.1 If an officer against whom an inquiry or investigation is pending (whether he has been placed under suspension or not) submits his resignation, such resignation should not normally be accepted. Where, however, the acceptance of resignation in such a case is considered necessary in public interest because one or more of the following conditions are fulfilled, the resignation may be accepted with the prior approval of the Head of Department in the case of holders of group 'C' and group 'D' posts and that of the Minister-in-charge in respect of holders of group 'A' and group 'B' posts:-
- (i) Where the alleged offences do not involve moral turpitude; or
  - (ii) Where the quantum of evidence against the accused officer is not strong enough to justify the assumption that if the departmental proceedings were continued, the officer would be removed or dismissed from service; or
  - (iii) Where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.
- 6.14.2 Insofar as group 'B' officers serving in the Indian Audit and Accounts Department are concerned, the resignation of such officers shall not be accepted except with the prior approval of the C&AG of India.
- 6.14.3 If a Government servant under suspension gives a notice under the provisions of FR 56(k)(1) for retirement, it is open to the appropriate authority to withhold permission. The power to withhold permission can be exercised by the appropriate authority even if a Government servant is placed under suspension after giving the notice for retirement, but before the expiry of the period of notice.
- 6.14.4 Concurrence of the Central Vigilance Commission should also be obtained before submission of the case to the Minister-in-charge/C&AG, if the Central Vigilance Commission had advised initiation of departmental action against the Government servant concerned or such action has been initiated on the advice of the Central Vigilance Commission.

[RULE 48-A]

**Central Civil Services (Pension) Rules, 1972**  
**(Extract)**

**GOVERNMENT OF INDIA'S DECISION**

**Instructions to regulate voluntary retirement.-** The following instructions will regulate the voluntary retirement of Central Government servants:-

- (i) ***Retirement without returning to duty while on LND.-*** If a Government servant retires under the scheme of voluntary retirement while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave not due shall be recovered as provided in Rule 31 of the CCS (Leave) Rules, 1972.
- (ii) ***Verification of qualifying service before giving notice.-*** Before a Government servant gives notice of voluntary retirement with reference to Rule 48-A, he should satisfy himself by means of a reference to the appropriate administrative authority that he has, in fact, completed twenty years' service qualifying for pension.

In order to ensure the correctness of the length of qualifying service for pension under the new scheme, it has been decided that the instructions contained in Decision (1) in Appendix-5 should be followed.

- (iii) ***Guidelines for acceptance of notice.-*** A notice of voluntary retirement given after completion of twenty years' qualifying service will require acceptance by the appointing authority if the date of retirement on the expiry of the notice would be earlier than the date on which the Government servant concerned could have retired voluntarily under the existing rules applicable to him [ e.g., FR 56 (k), Rule 48 of the Pension Rules, Article 459 (i) of CSRs or any other similar rule]. Such acceptance may be generally given in all cases except those (a) in which disciplinary proceedings are pending or contemplated against the Government servant concerned for the imposition of a major penalty and the disciplinary authority, having regard to the circumstances of the case, is of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case, or (b) in which prosecution is contemplated or may have been launched in a Court of Law against the Government servant concerned. If it is proposed to accept the notice of voluntary retirement even in such cases, approval of the Minister-in-charge should be obtained in regard to Group 'A' and Group 'B' Govern-

ment servants and that of the Head of the Department in the cases of Group 'C' and Group 'D' Government servants. Even where the notice of voluntary retirement given by a Government servant requires acceptance by the appointing authority, the Government servant giving notice may presume acceptance and the retirement shall be effective in terms of the notice unless the competent authority issues an order to the contrary before the expiry of the period of notice.

- (iv) **Pension subject to future good conduct.**- The pension will be subject to the provisions of Rules 8 and 9 of these Rules.
- (v) **Availing leave standing to credit along with notice period.**- A Government servant giving notice of Voluntary Retirement may also apply, before the expiry of the notice, for the leave standing to his credit which may be granted to him to run concurrently with the period of notice. Extraordinary leave is not termed as leave standing to his credit and therefore, it cannot run concurrently with the period of notice given by him for seeking Voluntary Retirement. In case, a Government servant applies for Voluntary Retirement while already on extraordinary leave other than on medical ground, the notice period need not be insisted upon and his request may be accepted with immediate effect, provided he is clear from vigilance angle. However, if a Government servant while already on extraordinary leave on medical ground, applies for Voluntary Retirement, the notice period, if any, given may be accepted and he may be allowed to retire after the expiry of the notice period subject to vigilance clearance.

[G.I., Dept. of Per. & A.R., O.M. No. 25013/7/77-Estt.(A), dated the 26th August, 1977, O.M. No. 25013/3/79-Estt. (A), dated the 28th July, 1979, O.M. No. 25013/10/85-Estt. (A), dated the 5th July, 1985 and Dept. of Per. & Trg., O.M. No. 25013/3/2003-Estt. (A), dated the 17th June, 2003]

[RULE 9]

**Central Civil Services (Pension) Rules, 1972**  
**(Extract)**

**9. Right of President to withhold or withdraw pension**

1[(1) The President reserves to himself the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:

Provided that the Union Public Service Commission shall be consulted before any final orders are passed:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pensions shall not be reduced below the amount of rupees three hundred and seventy-five (*Rupees Three thousand five hundred from 1-1-2006 - see GID below Rule 49*) per mensem.]

(2) (a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

Provided that where the departmental proceedings are instituted by an authority subordinate to the President, that authority shall submit a report recording its findings to the President.

(b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement, or during his re-employment,

- (i) shall not be instituted save with the sanction of the President,
- (ii) shall not be in respect of any event which took place more than four years before such institution, and

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1. Substituted by G.I., Dept. of P. & P.W., Notification No. 7/14/90-P. & P.W. (F), dated the 23rd August, 1991, published as S.O. No. 2287 in the Gazette of India, dated the 7th September, 1991.

- (iii) shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.
- (3) <sup>1</sup>Deleted.
- (4) In the case of Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in Rule 69 shall be sanctioned.
- (5) Where the President decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government servant.
- (6) For the purpose of this rule,-
- (a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date; and
- (b) judicial proceedings shall be deemed to be instituted-
- (i) in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognizance, is made, and
- (ii) in the case of civil proceedings, on the date the plaint is presented in the Court.

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1. Deleted by G.I., Dept. of P. & P.W., Notification No. 38/189/88-P. & P.W. (F), dated the 4th February, 1992, published as G.S.R. 55 in the Gazette of India, dated the 15th February, 1992.

[RULE 39]

**Central Civil Services (Leave) Rules, 1972  
(Extract)**

**39. Leave/Cash payment in lieu of leave beyond the date of retirement, compulsory retirement or quitting of service**

(1) No leave shall be granted to a Government servant beyond-

- (a) the date of his retirement, or
- (b) the date of his final cessation of duties, or
- (c) the date on which he retires by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or
- (d) the date of his resignation from service.

1[ (2) (a) Where a Government servant retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall, *suo motu*, issue an order granting cash equivalent of leave salary for both earned leave and half pay leave, if any, at the credit of the Government servant on the date of his retirement subject to a maximum of 300 days;

(b) The cash equivalent of leave salary under Clause (a) shall be calculated as follows and shall be payable in one lumpsum as a one-time settlement,-

(i) Cash equivalent for earned leave	$\text{Pay admissible on the date of retirement plus Dearness Allowance admissible on that date} \\ = \frac{\hspace{10em}}{30} \times$	Number of days of unutilized earned leave at credit subject to the total of earned leave and half pay leave not exceeding 300 days
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(ii) Cash payment in lieu of half pay leave component	$\text{Half pay leave salary admissible on the date of retirement plus Dearness Allowance admissible on that date} \\ = \frac{\hspace{10em}}{30} \times$	Number of days of half pay leave at credit subject to the total of earned leave and half pay leave at credit not exceeding 300 days
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NOTE.- The overall limit for encashment of leave including both earned leave and half pay leave shall not exceed 300 days.

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1. Substituted vide G.I.. Dept. of Per. & Trg., Notification No. F. No. 11012/1/2009-Estt (L), dated the 1st December, 2009, published as GSR 170 in the Gazette of India, dated the 5th December, 2009. Takes effect from 1-1-2006. vide O.M. dated 16-11-2009—See GID (5-B) below Rule 39 (D).

- (c) To make up the shortfall in earned leave, no commutation of half pay leave shall be permissible.]
- (3) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any.
- (4) (a) Where the service of a Government servant has been extended, in the interest of public service beyond the date of his retirement, he may be granted-
- (i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement subject to a maximum of 180 days / '[ 300 days] <sup>2</sup>[ ] as the case may be, as prescribed in Rule 26.
- <sup>3</sup> [(ii) after expiry of the period of extension, cash equivalent in the manner provided in Clause (b) of sub-rule (2) in respect of both earned leave and half pay leave at credit on the date of retirement, plus the earned leave and half pay leave earned during the period of extension reduced by the earned leave and half pay leave availed of during such period, subject to a maximum of 300 days.]

NOTE.- *Not printed.*

- (b) The cash equivalent payable under sub-clause (ii) of Clause (a) of this sub-rule shall be calculated in the manner indicated in Clause (b) of sub-rule (2) above.

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1. Substituted for "240 days" vide G.I., Dept. of Per. & Trg., Notification No.13026/1/99-Estt. (L), dated the 18th April, 2002, published as GSR 149 in the Gazette of India, dated the 27th April, 2002. Takes effect from 1-7-1997 vide O.M., dated 7-10-1997.
2. Omitted vide G.I., Dept. of Per. & Trg, Notification No. F. No. 11012/1/2009-Estt. (L), dated the 1st December, 2009, published as GSR 170 in the Gazette of India, dated the 5th December, 2009. Takes effect from 1-9-2008, vide GID (4) below Rule 26.
3. Substituted vide G.I., Dept. of Per. & Trg., Notification No. F. No. 11002/1/2009-Estt. (L), dated the 1st December, 2009, published as GSR 170 in the Gazette of India, dated the 5th December, 2009. Takes effect from 1-1-2006, vide GID (5-B) below Rule 39 (D).

1[ (5) A Government servant who retires or is retired from service in the manner mentioned in Clause (e) of sub-rule (1), may be granted suo motu, by the authority competent to grant leave, cash equivalent of the leave salary in respect of both earned leave and half pay leave at his credit subject to a maximum of 300 days. The cash equivalent payable shall be the same as in sub-rule (2) of Rule 39.]

(5-A) <sup>1</sup>Deleted

(6) (a)<sup>2</sup> [(i) where the services of a Government servant are terminated by notice or by payment of pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointment, he may be granted, suo motu, by the authority competent to grant leave, cash equivalent in respect of both earned leave and half pay leave at his credit on the date on which he ceases to be in service subject to a maximum of 300 days and the cash equivalent payable shall be the same as in sub-rule (2) of Rule 39 ].

(ii) If a Government servant resigns or quits service, he may be granted, suo motu. by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of <sup>3</sup>[ 150 days ].

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1. Vide G.I., Dept. of Per. & Trg., Notification No. 14028/1/2004-Estt. (L), dated the 13th February, 2006, published as GSR 47 in the Gazette of India, dated the 4th March, 2006. Takes effect from 13-2-2006 vide OM. dated 13-2-2006.
  2. Substituted vide G.I., Dept. of Per. & Trg., Notification No. F. No. 11012/1/2009-Estt. (L), dated the 1st December, 2009, published as GSR 170 in the Gazette of India, dated the 5th December, 2009. Takes effect from 1-1-2006 vide O.M., dated 16-11-2009—See GID (5-B) below Rule 39 (D).
  3. Substituted for "120 days" vide G.I., Dept. of Per. & Trg., Notification No. 13026/1/99-Estt. (L), dated the 18th April, 2002, published as GSR 149 in the Gazette of India, dated the 27th April, 2002. Takes effect from 1-7-1997 vide O.M., dated 7-10-1997.

### Guidelines for Foreign Deputation of Officers Working in BIS

#### 1. SCOPE

- a) This document provides the guidelines for nominating Officers working in BIS for foreign deputations in relation to standardization, conformity assessment, training, etc.
- b) All GOI conditions/restrictions would be applicable for such foreign travel by BIS officers. Whenever there is a conflict, guidelines/instructions of GOI would prevail.

#### 2. PURPOSE

The guidelines aim at bringing in transparency, clarity and uniformity in:

- (a) selection process of officers working in BIS and
- (b) processing of such cases.

#### 3. TYPES OF OVERSEAS PARTICIPATION

Foreign deputations of Officers working in BIS can be broadly categorized into the following:

- I. ISO, IEC, SAARC & other meetings
  - a) ISO/IEC Policy committees, namely, ISO Council, General Assembly, CASCO, REMCO, COPOLCO, TMB, ISO DEVCO, PASC, IEC Council, IEC Council Board, SMB, CAB etc.
  - b) Other important committees of ISO and IEC, namely, IECQ, IECEE Management Committees, IECEX, etc.
  - c) Meetings of Technical Committees / Sub-committees / Working Groups / MTs PG, of ISO, IEC, etc. where BIS is P-member of the concerned TC/SC etc of ISO/IEC and there also exists a National Mirror Committee on the subject in BIS. Regarding those meetings of ISO/IEC where BIS is only an Observer Member, nominations may be considered only when absolutely necessary.
  - d) All meetings related to SAARC.
- II. Cooperation Programmes and related activities.
- III. WTO & related activities
- IV. Training.

- V. Conformity Assessment:
  - a. Foreign Manufacturer's Certification Scheme
  - b. Management System Certification
  - c. Hallmarking and related activities
  - d. Laboratory and related Activities
- VI. Any other deputation not covered above but considered important by DG for BIS.

**4 SCREENING COMMITTEE:** Two Screening Committees shall be appointed by DG, BIS.

4.1 Screening Committee-I: The purpose of the Screening Committee-I is to examine & recommend to DG the proposals for participation of Officers working in BIS under categories 3(I), (II), (III), (IV), [V (d)] & (VI) above. The Composition of the Screening Committee-I is as under:

- Chairperson** - ADGT
- Members** - ADGM, Sc G (Tech), Sc G (Cert.),  
DDGA & DDGF
- Member Secretary** - Head (IR&TISD)

4.2 Screening Committee-II: The purpose of the Screening Committee-II is to examine & recommend to DG the proposals of participation of Officers working in BIS under 3(V)(a),(b),(c) above. The Composition of the Screening Committee-II is as under:

- Chairperson** - ADGM
- Members** - Sc G (Tech), Sc G (Cert.), DDGA
- Member Secretary** - Head (CMD-I)

4.3 The composition of the Screening Committee may be changed by DG.

4.4 Concerned Sc G / DDG may be invited by the Chairman of Screening Committee in case his/her department's case is being put-up for consideration of the committee.

## **5. CRITERIA FOR SELECTION OF OFFICERS**

5.1 General

Officer(s) to be deputed:

- should have preferably completed 3 years of service in BIS;
- should be clear from Vigilance and administrative angle;

- should have preferably more than 1 year service left (condition could be relaxed with appropriate justification), and
- can effectively make contribution.

5.2 In addition to 5.1, the following should also be applied:

**5.2.1 Standardization:**

- (a) The officer to be deputed should preferably be a member secretary/ alternate officer/HOD.
- (b) Where the work requires multidisciplinary knowledge, more than one officer with adequate experience and knowledge can be considered.
- (c) For the purpose of giving exposure and training in the work, a junior officer may also be considered in addition.
- (d) For participation in Technical Committee meetings formulating International Standards on Management Systems and for products covered under Mandatory Certification, an officer from Certification Department can also be considered for participation in such meetings.

**5.2.2 Certification:** The officer

- a. should be Scientist 'C' or above.
- b. should have minimum 5 years Product Certification experience.
- c. should be preferably working in certification activity.
- d. should be from the related discipline for the preliminary inspection of Product Certification,
- e. may be from any discipline for surveillance inspection of Product Certification,
- f. may be from any activity in case of Management System Certification. Expert of the relevant discipline is generally required for carrying out audits under Management Systems Certification and as per the nature of activities of the Auditee, the expert required may be from Finance and Administration discipline also.

**5.2.3 Training:** The officer should be either

- a) from a related discipline or presently working in that activity, or
- b) in the opinion of DG, considered fit for utilization in an activity related with the training.

No. 11012/11/2007-Estt. (A)  
Government of India  
Ministry of Personnel & Public Grievances & Pensions  
(Department of Personnel & Training)

New Delhi,  
Dated the 14<sup>th</sup> December, 2007

**OFFICE MEMORANDUM**

Subject:- Guidelines regarding grant of vigilance clearance to members of the Central Civil Services/Central Civil posts.

The undersigned is directed to say that the matter regarding guidelines for giving vigilance clearance to members of the Central Civil Services/ Central Civil posts has been reviewed by the Department of Personnel & Training and it has been decided that the following guidelines for the grant of vigilance clearance to the Government servants belonging to the Central Civil Services/ Central Civil posts shall be applicable with immediate effect:

1. These orders regarding accordance of vigilance clearance to members of the Central Civil Services/posts shall be applicable with respect to (a) empanelment (b) any deputation for which clearance is necessary, (c) appointments to sensitive posts and assignments to training programmes (except mandatory training). In all these cases, the vigilance status may be placed before and considered by the Competent Authority before a decision is taken.
2. The circumstances under which vigilance clearance shall not be withheld shall be as under:
  - a) Vigilance clearance shall not be withheld due to the filing of a complaint, unless it is established on the basis of at least a preliminary inquiry or on the basis of any information that the concerned Department may already have in its possession, that there is, prima facie, substance to verifiable allegations regarding (i) corruption (ii) possession of assets disproportionate to known sources of income (iii) moral turpitude (iv) violation of the Central Civil Services (Conduct) Rules, 1964.
  - b) Vigilance clearance shall not be withheld if a preliminary inquiry mentioned in 2(a) above takes more than three months to be completed.

- c) Vigilance clearance shall not be withheld unless (i) the officer is under suspension (ii) a chargesheet has been issued against the officer in a disciplinary proceeding and the proceeding is pending (iii) orders for instituting disciplinary proceeding against the officer have been issued by the Disciplinary Authority provided that the chargesheet is served within three months from the date of passing such order (iv) chargesheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending (v) orders for instituting a criminal case against the officer have been issued by the Disciplinary Authority provided that the chargesheet is served within three months from the date of initiating proceedings (vi) sanction for investigation or prosecution has been granted by the Competent Authority in a case under the PC Act or any other criminal matter (vii) an FIR has been filed or a case registered by the concerned Department against the officer provided that the charge sheet is served within three months from the date of filing/registering the FIR/case and (viii) The officer is involved in a trap/raid case on charges of corruption and investigation is pending.
- d) Vigilance clearance shall not be withheld due to an FIR filed on the basis of a private complaint unless a chargesheet has been filed by the investigating agency provided that there are no directions to the contrary by a competent court of law.
- e) Vigilance clearance shall not be withheld even after sanction for prosecution if the investigating agency has not been able to complete its investigations and file charges within a period of two years. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the parent cadre in case he is on deputation and not for any other dispensation listed in para 1 of this O.M.

3. In cases where complaints have been referred to the administrative authority concerned, and no substantive response has been received from such administrative authority concerned within three months from the date on which the reference was made, the 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.

4. Vigilance clearance shall be decided on a case-by-case basis by the Competent Authority keeping in view the sensitivity of the purpose, the gravity

of the charges and the facts and circumstances, in the following situations:

- a) where the investigating agency has found no substance in the allegation but the Court refuses to permit closure of the FIR.; and
- b) where the investigating agency/inquiry officer holds the charges as proved but the competent administrative authority differs, or the converse.

5. While considering cases for grant of vigilance clearance for the purpose of empanelment of members of the Central Civil Services/Central Civil posts of a particular batch, the vigilance clearance/status will continue to be ascertained from the respective Cadre Authority. In all such cases, the comments of the Central Vigilance Commission will be obtained. However, if no comments are received within a period of three months, it will be presumed that there is nothing adverse against the officer on the records of the body concerned.

6. Vigilance clearance will be issued in all cases with the approval of the Head of Vigilance Division for officers upto one level below their seniority in service. In the case of officers of the level of Additional Secretary/Secretary, this will be issued with the approval of the Secretary. In case of doubt, orders of the Secretary will be obtained keeping in view the purpose for which the vigilance clearance is required by the indenting authority.

7. Vigilance clearance will not normally be granted for a period of three years after the currency of the punishment, if a minor penalty has been imposed on an officer. In case of imposition of a major penalty, vigilance clearance will not normally be granted for a period of five years, after the currency of punishment. During the period, the performance of the officer should be closely watched.

8. Insofar as the personnel serving in the Indian audit and accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

9 All the Ministries/Departments are requested to bring the above guidelines for the notice of all concerned for information and compliance.

(P. Prabhakaran)  
Deputy Secretary to the Government of India

**Copy forwarded to :**

1. Prime Minister's Office (with reference to their I.D. No. 600/68/13/07-ESII, dated 24.10.2007).
2. Cabinet Secretariat.
3. Ministries/Departments of the Government of India.
4. Secretary, Central Vigilance Commission.
5. Central Bureau of Investigation, New Delhi
6. Union Public Service Commission, New Delhi
7. Comptroller and Auditor General of India, New Delhi

**Copy to :**

- (i) PS to MOS(PP)
- (ii) PPS to Secretary(P)
- (iii) PPS to AS(S&V)
- (IV) PPS to EO & AS
- (V) PS to JS (E)
- (VI) PS to JS (V) (w.r.t. AVD Division's O.M. No. 104/33/2005-AVD-1 dated 31.10.2007)

(P. Prabhakaran)  
Deputy Secretary to the Government of India

No. 11012/11/2007-Estt.A  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

New Delhi, Dated 27<sup>th</sup> September, 2011

**OFFICE MEMORANDUM**

**Subject: Guidelines regarding grant of 'Vigilance Clearance' to members of Central Civil Services / Posts.**

The undersigned is directed to say that it has been decided by the Government that officers who have not submitted the Annual Immovable Property Returns by the prescribed time would be denied vigilance clearance and will not be considered for empanelment for senior level posts in Government of India.

2. Accordingly, in this Department's OM No. 11012/11/2007-Estt.A dated 14.12.2007, laying down guidelines regarding grant of vigilance clearance to members of Central Civil Services / Posts, in para 2 a new sub-para (f) will be inserted as under:

(f) Vigilance clearance shall be denied to an officer if he fails to submit his annual immovable property return of the previous year by 31<sup>st</sup> January of the following year, as required under Government of India decisions under Rule 18 of the Central Civil Services (Conduct) Rule, 1964.

  
(U.S. Chattopadhyay)

Under Secretary to the Government of India

All Ministries / Departments

**Copy to:**

1. Prime Minister's Office (w.r.t. their I.D. No. 600/31/C/33/2011-ES2, dated 15.03.2011)
2. Cabinet Secretariat
3. Secretary, CVC
4. UPSC
5. C&AG
6. NIC (DOP&T Cell) with the request to upload this O.M. on the website of DOP&T.

## ANNEX-X A



सत्यमेव जयते

**MANOJ PARIDA, IAS**  
Joint Secretary

Tel. : +91-11-2338 6666  
Fax : +91-11-2338 6322  
E-mail : js-ca@nic.in

भारत सरकार  
उपभोक्ता मामले, खाद्य एवं  
सार्वजनिक वितरण मंत्रालय  
(उपभोक्ता मामले विभाग)  
कृषि भवन, नई दिल्ली-110001  
GOVERNMENT OF INDIA  
MINISTRY OF  
CONSUMER AFFAIRS, FOOD AND  
PUBLIC DISTRIBUTION  
(DEPARTMENT OF CONSUMER AFFAIRS)  
KRISHI BHAWAN, NEW DELHI -110001

D.O. No.8/1/2012-Vig.  
29<sup>th</sup> March, 2012

Dear *Shri Sharma*

Kindly refer to your letters dated 21<sup>st</sup> February and 26<sup>th</sup> March, 2012 regarding vigilance clearance to those who submit their Annual Immovable Property Return late. In this connection, it is clarified that the guidelines are to ensure that the officers submit their AIPRs in time. No penalty is proposed against late submission. Hence, you are advised to issue vigilance clearance in all individual cases where up-to-date AIPR is available. Clearance should be given even though AIPR has been submitted late. No clearance should be denied when AIPR is already available on the file.

With *warm regards*

Yours sincerely,

(Manoj Parida)

Shri Alok Sharma,  
CVO, Bureau of Indian Standards,  
Manak Bhawan,  
New Delhi

[RULE 10]

**Govt. of India Decisions under Rule 10 of CCS (CCA) Rules, 1965  
(Extract)**

**(5A) Forwarding of applications for other posts - Principles regarding -**

The question regulating the forwarding of applications to the Ministries/Departments/ other Government offices or to the UPSC from candidates serving under the Government has been reviewed.

2. It has been decided to consolidate the instructions on the subject. Therefore, the following instructions in supersession of the instructions contained in this Department's OMs No. 11012/10/75-Estt. (A) dated 18.10.1975 and No. 42015/4/78-Estt. (C) dated 01.01.1979 are issued for guidance of all the Administrative Authorities.
3. Application of a Government servant for appointment, whether by Direct Recruitment, transfer on deputation or transfer, to any other post should not be considered/forwarded if:-
  - (i) He is under suspension; or
  - (ii) Disciplinary proceedings are pending against him and a charge sheet has been issued; or
  - (iii) Sanction for prosecution, where necessary has been accorded by the competent authority; or
  - (iv) where a prosecution sanction is not necessary, a charge sheet has been filed in a court of law against him for criminal prosecution.
4. When the conduct of a Government Servant is under investigation (by the CBI or by the controlling Department) but the investigation has not reached the stage of issue of charge sheet or prosecution sanction or filing of charge-sheet for criminal prosecution in a court, the application of such a Government servant may be forwarded together with brief comments on the nature of allegations and it should also be made clear that in the event of actual selection of the Government servant, he would not be released for taking up the appointment, if by that time charge sheet for imposition of penalty under CCS (CCA) Rules, 1965 or sanction for prosecution is issued or a charge sheet is filed in a court to prosecute the Government Servant, or he is placed under suspension.
5. Where Government servants apply directly to UPSC as in the case of direct recruitment, they must immediately inform the Head of their office/Department

giving details of the examination/post for which they have applied, requesting him to communicate his permission to the Commission directly. If, however, the Head of the Office/ Department considers it necessary to withhold the requisite permission, he should inform the Commission accordingly within 45 days of the date of closing for receipt of applications. In case any situation mentioned in para 3 is obtaining, the requisite permission should not be granted and UPSC should be immediately informed accordingly. In case a situation mentioned in para 4 is obtaining, action may be taken to inform UPSC of this fact as also the nature of allegations against the Government servant. It should also be made clear that in the event of actual selection of Government servant, he would not be relieved for taking up the appointment, if the charge sheet/prosecution sanction is issued or a charge sheet is filed in a court for criminal prosecution, or if the Government servant is placed under suspension.

6. The administrative Ministries/Departments of the Government of India may also note that, in case of Direct Recruitment by selection viz., "Selection by Interview" it is the responsibility of the requisitioning Ministry / Department to bring to the notice of the Commission any point regarding unsuitability of the candidate (Government servant) from the vigilance angle and that the appropriate stage for doing so would be the consultation at the time of preliminary scrutiny i.e. when the case is referred by the Commission to the Ministry Departments for the comments of the Ministry's Representatives on the provisional selection of the candidates for interview by the Commission.

[Deptt. Of Personnel & Training OM No. AB 14017/101/91-Estt. (RR) dated 14th May, 1993]

98/VGL/60  
Government of India  
Central Vigilance Commission  
\*\*\*\*\*

**Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi - 110 023  
Dated the 15<sup>th</sup> April 1999**

To

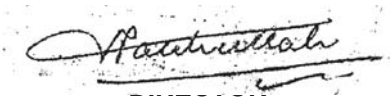
**All Chief Vigilance Officers**

**Subject: Rotation of officials working in sensitive posts.**

\*\*\*\*\*

Instructions have been issued from time to time by the Central Vigilance Commission and the Department of Personnel and Training for making rotational transfers in respect of the officials posted on sensitive posts at periodic intervals. These instructions are not being strictly followed and fallen into disuse.

2. In order to implement these instructions in a letter and spirit, it has been decided by the Commission that a list of sensitive posts in various Departments/Organisations should be identified by the Chief Vigilance Officer of the Department/Organisation. A list of posts so identified by the CVOs may be intimated to the Commission immediately. Thereafter CVOs in consultation with the Chief Executives would ensure that officials posted on sensitive posts are rotated every two/three years to avoid developing vested interests. In case officials posted on the sensitive posts continue to function in violation of the existing orders, the Commission may be apprised so that it may take up the matter with the concerned Departments/Organisations for implementing these instructions.



98/VGL/60  
Government of India  
Central Vigilance Commission  
\*\*\*\*\*

**Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi - 110 023  
Dated the 2<sup>nd</sup> November, 2001**

To

**All Chief Vigilance Officers**

**Subject: Rotation of officials working in sensitive posts.**

\*\*\*\*\*

Attention is invited to Circular No. 98/VGL/60 dated 15<sup>th</sup> April 1999 of the Central Vigilance Commission regarding rotation of officials working in sensitive posts.

2. It is hereby clarified that postings in the vigilance wings/departments are classified as sensitive. Therefore, the above instructions should be strictly followed while transferring officials to and from vigilance.

3. Accordingly, personnel deputed to the vigilance wing from operational wings are to have a tenure of three years following which they are to be reverted to operational areas. In the case of organizations that have a separate cadre for vigilance, the rotation should be done across regions on expiry of tenure of three years in a particular office.

4. CVOs may certify annually that this exercise has been carried.

5. This is for strict compliance by all concerned.

This issues with the approval of the Commission.

Sd/-  
**(C.J. Mathew)**  
**Deputy Secretary**

**VIGILANCE MANUAL**  
**VOLUME I**  
**CENTRAL VIGILANCE COMMISSION**  
**Sixth Edition - 2005**  
**(Extract)**

**PREVENTIVE VIGILANCE**

2.13 Santhanam Committee, while outlining the preventive measures, that should be taken to significantly reduce corruption, had identified four major causes of corruption, viz. (i) administrative delays; (ii) Government taking upon themselves more than what they can manage by way of regulatory functions; (iii) scope for personal discretion in the exercise of powers vested in different categories of government servants; and (iv) cumbersome procedures of dealing with various matters which are of importance to citizens in their day to day affairs. The CVO is thus expected to take following measures on preventive vigilance side:

- (i) To undertake a study of existing procedure and practices prevailing in his organisation with a view to modifying those procedures or procedures or practices which provide a scope for corruption, and also to find out the causes of delay, the points at which delay occurs and device suitable steps to minimize delays at different stages;
- (ii) To undertake a review of the regulatory functions with a view to see whether all of them are strictly necessary and whether the manner of discharge of those functions and exercise of powers of control are capable of improvement;
- (iii) To devise adequate methods of control over exercise of discretion so as to ensure that discretionary powers are not exercised arbitrarily but in a transparent and fair manner;
- (iv) To educate the citizens about the procedures of dealing with various matters and also to simplify the cumbersome procedures as far as possible;
- (v) To identify the areas in his organisation which are prone to corruption and to ensure that the officers of proven integrity only are posted in those areas;
- (vi) To prepare a list of officers of doubtful integrity.

[Rule 18]

**Central Civil Services (Conduct) Rules, 1964  
(Extract)**

**18. Movable, immovable and valuable property**

(1) (i) Every Government servant shall on his first appointment to any service or post <sup>1</sup>[\*\*\*] submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding—

- (a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
- (b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
- (c) other movable property inherited by him or similarly owned, acquired or held by him; and
- (d) debts and other liabilities incurred by him directly or indirectly.

NOTE. 1.—Sub-rule (1) shall not ordinarily apply to Class IV servants but the Government may direct that it shall apply to any such Government servant or class of such Government servants.

NOTE 2.—In all returns, the values of items of movable property worth less than <sup>2</sup>[₹ 10,000] may be added and shown as a lumpsum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

<sup>3</sup>NOTE 3.—Where a Government servant already belonging to a service or holding a post is appointed to any other civil service or post, he shall not be required to submit a fresh return under this clause.

<sup>4</sup>(ii) Every Government servant belonging to any service or holding any post included in Group 'A' and Group 'B' shall submit an annual return in such form as may be prescribed by the Government in this regard giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

- 
1. Deleted by G.I., C.S. (Dcp. of Per.), Notification No. 11013/19/75-Ests., (A), dated the 6th July 1976, prohibited as S.O. No. 2691 in the Gazette of India, dated the 24th July, 1976.
  2. Substituted by G.I., Dept. of Per. & Trg., Notification No. 11013/20/91-Ests. (A), dated the 9th December, 1992, published as S.O. No. 3132 in the Gazette of India, dated the 26th December, 1992.
  3. Substituted by G.I., C.S., (Dept. of Per.), Notification No. 11013/19/75-Ests. (A), dated the 6th July, 1976, published as S.O. No. 2691 in the Gazette of India, dated the 24th July, 1976.
  4. Inserted by G.I., C.S. (Dept. of Per.), Notification No. 11013/19/75-Ests. (A), dated the 6th July, 1976, published as S.O. No. 2691 in the Gazette of India, dated the 24th July, 1976.

(2) No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

<sup>1</sup>Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is with a person having official dealings with him.

<sup>2</sup>(3) Where a Government servant enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds two months' basic pay of the Government servant:

Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is with a person having official dealings with him.

(4) The Government or the prescribed authority may, at any time, by general or special order, require a Government servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, property was acquired.

(5) The Government may exempt any category of Government servants belonging to Class III or Class IV from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the Cabinet Secretariat (Department of Personnel).

EXPLANATION 1.—For the purposes of this rule-

(1) the expression "movable property" includes-

(a) jewellery, insurance policies, the annual premia of which exceeds <sup>2</sup>two months' basic pay of the Government servant, shares, securities and debentures;

- 
1. Substituted by G.I., Dept. of Per. & Trg., Notification No. 11013/11/85-Estt. (A), dated the 7th March, 1986 and published as S.O. 1124 in the Gazette of India, dated the 22nd March, 1986.
  2. Substituted by G.I., Dept. of Per. & Trg., Notification No. 11013/8/2009-Estt. (A), dated the 9th May, 2011 and published as G.S.R. 370 (E) in the Gazette of India, dated the 9th May, 2011.

<sup>1</sup>[(b) all loans, whether secured or not, advanced or taken by the Government servant;]

(c) motor cars, motor cycles, horses or any other means of conveyance; and  
(d) refrigerators, radios <sup>2</sup>[ radiograms and television sets].

(2) "**prescribed authority**" means-

(a) (i) the Government, in the case of Government servant holding any Class I post, except where any lower authority is specifically specified by the Government for any purpose;

(ii) Head of Department, in the case of a Government servant holding any Class II post;

(iii) Heads of Office, in the case of a Government servant holding any Class III or Class IV post;

(b) in respect of a Government servant on foreign service or on deputation to any other Ministry or any other Government, the parent department on the cadre of which such Government servant is borne or the Ministry to which he is administratively subordinate as member of that cadre.

<sup>3</sup>EXPLANATION II.— For the purposes of this rule 'lease' means, except where it is obtained from, or granted to, a person having official dealings with the Government servant, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

## GOVERNMENT OF INDIA'S ORDERS

**S.O. 114.** In pursuance of sub-rule (l) of Rule 18 of the Central Civil Services (Conduct) Rules, 1964, read with Note 3 (since substituted) thereto, the Central Government hereby-

(a) prescribes the forms specified in the Schedule to this Order, as the forms in which the return referred to in the said rule shall be submitted by—

(i) every Government servant on his first appointment after the date of issue of this Order to any service or post, and

(ii) every Government servant who is in service on the date of issue of this order;

- 
1. Substituted by G.I., Dept. of Per. & Trg., Notification No. 11013/1/87-Ests. (A), dated the 27th July, 1987 and published as S.O. 1965 in the Gazette of India, dated the 8th August, 1987.
  2. Substituted by G.I., Dept. of Per. & Trg., Notification No. 11013/20/91-Estt. (A), dated the 9th December, 1992. published as No. 3132 in the Gazette of India, dated the 26th December, 1992.
  3. Inserted by G.I., C.S. (Dept. of Per.), Notification No. 25/57/64-Ests. (A), dated the 5th January, 1973, published as S.O. 83 in the Gazette of India, dated the 13th January, 1973 .

- (b) directs that-
- (i) the first return in respect of a Government servant on his first appointment to any service or post shall be as on the date of such appointment and shall be submitted within three months from that date and every such return, after the first, shall be submitted as on, and by, the date specified in Clause (c) in respect of returns after the first return, provided that if the interval between the date of submission of the first return and the date on which a subsequent return is due is less than six months, the latter return need not be submitted;
  - (ii) the first return in respect of every Government servant who is in service on the date of issue of this order, shall be as on the 31<sup>st</sup> December, 1972 and specifies the 31<sup>st</sup> day of March, 1973, as the date on or before which such return shall be submitted;
- (c) further directs that every Government servant shall submit such returns after the first, at an interval of five years, on or before the 31<sup>st</sup> day of March of the year immediately following the year to which the return relates and every such return shall be as on the 31<sup>st</sup> day of December of the year immediately preceding the said 31<sup>st</sup> day of March; and
- (d) also directs that every such return shall be handled as secret document and the provisions of Rule 11 of the Central Civil Services (Conduct) Rules, 1964, shall, as far as may be, apply thereto.

[Gl., C.S (Dept of Per.). Order No. 25/7/65-Ests. (A), dated the 6th January, 1973.)

No.VI/401/01/05/2008  
Government of India  
Ministry of External Affairs  
(CPV Division)

Patilala House Annexe  
New Delhi 110 001

5<sup>th</sup> October 2009

Office Memorandum

**Sub: Issue of ordinary passport to Central and State Government Servants, PSU employees, employees of constitutional bodies, Municipal Corporations, et al - Requirement of Identity Certificate (IC) or No Objection Certificate (NOC).**

With a view to expediting the issue of passport, the Ministry had in October 2006 revised the procedures in respect of Government servants/PSU employees, et al, by introducing Identity Certificate (IC) in lieu of No Objection Certificate (NOC), thereby exempting them from police verification. The Office of an employee was required to certify that the provisions of Section 6(2) of the Passports Act (enclosed) are not attracted, and the Government Servant/dependent also needed to provide a notarized affidavit (Annexure D). The spouses of such employees, and dependent children up to the age of 21 years, had an option to submit IC for expeditious issue of passport. However, many subordinate offices of both Central and State Governments and PSUs have been found to be reluctant or declining to issue the prescribed IC to their staff, thereby defeating the very purpose of introduction of IC.

2. Government servants, et al, were required to submit fresh IC (earlier NOC) at the time of re-issue of passport (on expiry of existing passport, on exhaustion of visa pages, etc) if they were employed in a sensitive office. Military personnel too were required to submit IC for reissue of passport. Passport Offices were facing difficulty at the time of reissue of passport to Govt servants, et al, in arriving at a conclusion whether they were working in sensitive departments and, therefore, fresh IC was required or not. It is not possible to define sensitive departments or seats in an exhaustive manner.

3. In view of the foregoing, with a view to achieving transparency and facilitating issue of passports to the Government servants, et al, it has been decided that :

- (a) The Government employees/PSU employees/employees of Municipal Corporations/constitutional bodies, et al, would have an option to submit either existing IC (format modified to include nationality, and is enclosed) or NOC [without certification of Section 6 (2) of Passports Act; format is enclosed]. If IC is submitted, passport will be issued without police verification; and if NOC is submitted, passport will be issued on post-police verification basis.
- (b) Annexure I in respect of employees themselves and children (upto 18 years) is dispensed with. However, spouse will require Annexure I, if IC is submitted.
- (c) Dependents viz. spouse, and children upto 18 years of age (against 21 yrs at present, to align with minor passport regulations) only have the option of submitting IC. Otherwise, they can apply under the normal process (as any other public).
- (d) NOC (not IC) is required for reissue of passport to Government employees, et al, on expiry of passport/exhaustion of visa pages etc. However, no police verification is required at reissue stage. For reissue, dependents should provide fresh IC (and Annexure I also by spouse) or apply under normal process [No pre-police verification is normally required for reissue under normal process].
- (e) While IC should be issued on official stationery (letterhead); NOC on plain paper with signature/stamp can be accepted, on the assumption that such offices are using plain paper for day to day correspondence. However, telephone/fax and e-mail (to the extent available) be indicated in NOC for the purpose of confirmation, if called for, at the discretion of the Passport Office, which should be replied to immediately.
- (f) Military personnel with c/o APO address (e.g 56 APO/99 APO) may submit applications at their station of posting or at their permanent address, and write their permanent address in passport (against present address otherwise), provided IC [NOC at reissue] is submitted and permanent address is certified by their office. Spouse of such personnel [and adult children, when spouse has expired/divorced] may receive the passport, with authority letter, either by hand or by post. This would apply to similarly placed Air Force/Navy personnel as well.

- (g) If Govt/PSU employees, et al, are transferred after submission of the passport application or passport is returned undelivered due to such transfer, the same be re-dispatched, on request (along with copy of transfer order), at the new address, after correction/endorsement of address. Such persons need not submit miscellaneous form & fees for address correction. However, if police verification was required and was not completed, it will be done at the new place.
- (h) The validity of IC/NOC will be six months from date of issue. Expired IC/NOC will not be accepted.

4. Ministries of the Central Government, and the State Governments/ Union Territories are requested to circulate these instructions to all the employees working under them, including those in attached and subordinate offices, and statutory bodies.

5. This supersedes all previous instructions on the subject of issue of IC/ NOC for the purpose of issue of ordinary passport.



(K.R.Rajan Pillai)

Deputy Secretary to the Government of India  
Telefax: 011 23387013

To :

All Ministries/Departments of the  
Government of India (Attn: Joint Secretary/Adm)

The Chief Secretary  
All State Governments/UTs

Copy to RPOs/POs.

**PROFORMA FOR IDENTITY CERTIFICATE**

ALL CENTRAL GOVERNMENT EMPLOYEES, STATE GOVERNMENT EMPLOYEES, EMPLOYEES OF STATUTORY BODIES AND PUBLIC SECTOR UNDERTAKING ARE REQUIRED TO PRODUCE A IDENTITY CERTIFICATE (STRIKE OUT PORTION NOT APPLICABLE)

(To be given in Duplicate on Original Stationery)

Certified that Shri/Smt/Kum-----

Son/Wife of Shri ----- is a temporary/permanent employee of this -----(office address) from ----- (date) and is at present holding the post of -----. Shri/Smt/Miss/Mst. ----- is/are a dependent family member(s) of Shri/Smt. ----- and his/her Identity is certified. The Ministry / Department/Organization has no objection to his/her acquiring Indian Passport. The undersigned is authorized to sign this "No Objection Certificate". I have read the provisions of Section 6(2) of the Passports Act, 1967 and certify that these are not attracted in the case of this applicant. I recommend issue of an Indian Passport to him/her. It is certified that this organization is a Central / State Government / Public Sector / Undertaking / Statutory body. The Identity Card Number of Shri/Smt. (Employee) ----- is -----

Ref.No. & Date.



Name,

Designation, Address & Tel.No.

Applicant's Photo to be attested  
by the Certifying Authority

**ANNEXURE 'M'**  
**Ministry/Department/Office of**

No..... dated.....

(No Objection Certificate Issuing officer should attest the photograph of the applicant with his/her signature and rubber stamp in such a way that half the signature and stamp appear on the photograph and half on the certificate.)

**No Objection Certificate**

Shri/Smt/Miss.....s/o.....,who is an Indian national, is employed in this office as.....from.....till date. This Ministry/Department/Office has no objection to his obtaining a passport.

Signature  
Controlling/Administrative authority  
Telephone/Fax/email

**Note:-**

- (a) The officer authorized to issue NOC should sign with name and stamp and must provide contact details for verification by Passport Authority.
- (b) NOC will be valid for six months from date of issue.

**THE PASSPORTS ACT, 1967**  
**(Extract)**

**6. Refusal of passports, travel documents. etc.**

- (1) Subject to the other provisions of this Act, the passport authority shall refuse to make an endorsement for visiting any foreign country under clause (b) or clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and no other ground, namely: -
- (a) that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India;
  - (b) that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;
  - (c) that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that or any other country,
  - (d) that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.
- (2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely: -
- (a) that the applicant is not a citizen of India.,
  - (b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India.,
  - (c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;
  - (d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;
  - (e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;
  - (f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;
  - (g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;
  - (h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;
  - (i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

No. 11013/7/04-Estt. (A)  
 Government of India  
 Ministry of Personnel, Public  
 Grievances & Pensions  
 (Department of Personnel & Training)

....

New Delhi, dated the 18th May, 94

OFFICE MEMORANDUM

Subject: Requirement of taking prior permission by Government servants for leaving station/headquarters -clarification regarding.

The undersigned is directed to say that doubts have been expressed by Ministries/Departments as to whether a Government servant is required to take permission before leaving station/headquarters during leave or otherwise, especially for visits abroad.

2. Attention of the Ministries/Departments is invited in this connection to the provisions of FR 11 which provides that 'unless in any case it be otherwise distinctly provided the whole time of a Government servant is at the disposal of the Government which pays him.....' Article 56 of the Civil Service Regulations also provides that 'no officer is entitled to pay and allowance for any time he may spend beyond the limits of his charge without authority.' It is implicit in these provisions that a Government servant is required to take permission for leaving station/headquarters. It is thus clear that such permission is essential before a Government servant leaves his station or headquarters and more so when he proposes to go abroad during such absence, as such visit may have wider implications.

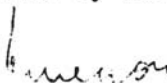
3. However, separate permission may not be necessary where a Government servant has indicated his intention of leaving headquarters/station alongwith leave address while applying for leave. The leave application form prescribed under the CCS(Leave) Rules, 1972 contains necessary columns in this regard. In case the leave applied for the purpose of visiting foreign country is sanctioned, it would imply that permission for going abroad is also granted and therefore leave sanctioning authorities should keep this aspect in mind while granting the leave applied for. In the case of officers who are competent to sanction leave for themselves they should obtain permission for leaving station from their superior authority.

....2/-

Failure to obtain permission of competent authority before leaving station/headquarters especially for foreign visits is to be viewed seriously and may entail disciplinary action.

4. Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all Government servants serving under their control and ensure that these are strictly followed by all concerned.

Hindi Version will follow.

  
(KRISHNA MENON)

UNDER SECRETARY TO THE GOVT. OF INDIA.

To

All Ministries/Departments of Govt. of India.

Copy to:

1. C&AG, New Delhi
2. UPSC, New Delhi.
3. CVC, New Delhi.
4. Lok Sabha/Rajya Sabha Secretariat.
5. All U.T. Administrations.
6. CFT
7. All attached and subordinate offices of Ministry of Personnel, Public Grievances & Pensions and MHA.
8. All officers and Sections of Ministry of Personnel, Public Grievances & Pensions and MHA.

  
(KRISHNA MENON)

UNDER SECRETARY TO THE GOVT. OF INDIA.

**No. 11013/8/2000-Estt. (A)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel & Training)  
New Delhi, dated the 7th November, 2000.**

**OFFICE MEMORANDUM**

Subject: Requirement of taking prior permission by Government servants for leaving station/headquarters - Clarification regarding.

The undersigned is directed to refer to this Department's O.M. No. 11013/7/94-Estt. (A) dated 18th May, 1994 on the subject mentioned above in which it has inter-alia been clarified that separate permission may not be necessary where a Government servant has indicated his intention of leaving headquarters/station alongwith leave address while applying for leave. It has also been clarified that in case leave applied for the purpose of visiting foreign country is sanctioned, it would imply that permission for going abroad is also granted and, therefore, leave sanctioning authority should keep this aspect in mind while granting the leave applied for.

2. The above instructions have been reviewed and it has been decided that 'while granting leave the sanctioning authority shall take prior approval, if required, for permitting the officer to go abroad as per the existing instructions.'
3. All Ministries/Departments are requested to bring these instructions to the notice of all concerned under their control and ensure that these are strictly followed.

Sd/-  
(Smt. S.Bandopadhyay)  
Director

**No. 11013/7/2004-Estt. (A)**  
**Government of India**  
**Ministry of Personnel, P.G. & Pensions**  
**(Department of Personnel & Training)**  
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New Delhi, dated the 5<sup>th</sup> October, 2004

**OFFICE MEMORANDUM**

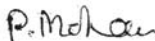
Sub. : Requirement of taking prior permission by Government servants for leaving station/headquarters.  
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The undersigned is directed to refer to this Department's O.M. No. 11013/7/94-Estt. (A) dated the 18<sup>th</sup> May, 1994 in which it has, inter alia, been clarified that the Government servant should take permission for leaving station/headquarters especially for private visits abroad. It has also been clarified in O.M. No. 11013/8/2000-Estt. (A) dated the 7<sup>th</sup> November, 2000 that the leave sanctioning authority while granting leave shall take prior approval, if required, for permitting the officer to go abroad as per the existing instructions. Despite these instructions, instances have come to the notice of the Government where Government servants have left their headquarters without taking prior permission and proceeded abroad.

2. The High Court of Delhi, in its judgment dated the 28<sup>th</sup> May, 2004 in the Criminal Writ Petition No. 1004/03 (Chandra Kumar Jain Vs. Union of India,) has observed that a Government servant who had visited some foreign countries 161 times on private visits without permission was never questioned and no one in the customs and the other departments suspected why a Government servant was so frequently (161 times) making private visits without permission. The High Court has, therefore, directed the Central Government to frame guidelines on foreign private visits of the Government servants.

3. Keeping in view the observation of the High Court the Ministries/Departments are requested to bring the existing instructions on the subject matter to the notice of all concerned and ensure that Government servants take prior permission before leaving for visits abroad as required under these instructions. When such permission to visit abroad is sought the Government servant is required to furnish information relating to the proposed and previous private visits as per the **proforma** (enclosed).

Hindi version will follow.

  
(Smt. Pratibha Mohan)  
Director (E-II)

Copy to :

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
8. All officers and sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

*P. Mohan*

(Smt. Pratibha Mohan)  
Director (E-II)

## PROFORMA

(See O.M. No. 11013/7/2004-Estt.(A) dated 5<sup>th</sup> October, 2004)

1. Name
2. Designation
3. Pay
4. Ministry/Department (Specify Centre/State/PSU)
5. Passport No.
6. Details of private foreign travel to be undertaken

Period of abroad		Names of Foreign Countries to be visited	Purpose	Estimated Expenditure (Travel; board/ lodging, visa, misc. etc.)	Source of Funds	Remarks
From	To					

7. Details of previous private foreign travel, if any undertaken during the last one year (as under item No. 6)

Name :  
Designation :  
Date :

No. 11013/7/2004-Estt. (A)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel and Training)

North Block,  
New Delhi,  
Dated the 1<sup>st</sup> September, 2008

**OFFICE MEMORANDUM**

Subject: Requirement of taking prior permission by Government servants for leaving station/headquarters for going abroad while on leave.

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The undersigned is directed to refer to Department of Personnel and Training's O.M. No. 11013/8/2000-Estt. (A) dated the 7th November, 2000 on the abovementioned subject and to say that in para 2 thereof, it was conveyed that while granting leave the sanctioning authority shall take prior approval, if required, for permitting the officer to go abroad as per the existing instructions.

2. References are being received regarding the competent authority whose permission is to be taken by the leave sanctioning authority before sanctioning leave to a Government servant to go abroad. It is clarified that the competent authority as per the aforesaid Office Memorandum dated the 7th November, 2000 is to the competent authority in terms of the instructions, if any, issued by the Cadre Authority or the administrative Ministries/Departments themselves. Department of Personnel and Training has not issued any instructions in this regard in respect of the Central Government servants. In the absence of any such instructions, the approval of the leave sanctioning authority would imply approval to the visit abroad also. It may be ensured that the leave applications in such cases invariably mention the purpose of going abroad.



(A. BALARAM)  
Under Secretary to the Government of India

All Ministries/Departments of the Government of India.

**No. 11013/7/2004-Estt. (A)**  
**Government of India**  
**Ministry of Personnel, P.G. & Pensions**  
**(Department of Personnel & Training)**

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New Delhi, dated the 15<sup>th</sup> December, 2004

15 DEC 2004

**OFFICE MEMORANDUM**

Sub. : Requirement of taking prior permission by Government servants for leaving station/headquarters.

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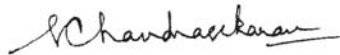
The undersigned is directed to refer to this Department's O.M. of even number dated 5<sup>th</sup> October, 2004 under which a proforma has been prescribed for the Government servants to furnish details of the private foreign travel proposed as well as undertaken during the last one year by them. The High Court of Delhi during further hearing in respect of direction given in W.P. (Crl.) No. 1004/2003 (Chandra Kumar Jain Vs. Union of India) observed on 17.11.2004 that it would be advisable for the Department of Personnel & Training, to amend the proforma published with the Office Memorandum dated 5<sup>th</sup> October, 2004 so as to obtain details of previous private foreign travel, if any, undertaken by the Central Government employees during the last four to five years.

2. The matter has been considered and it has been decided that in the entries against serial number 7 of the proforma prescribed under the O.M. dated 5<sup>th</sup> October, 2004, the words "last one year" may be substituted by the words "last four years". A revised proforma is enclosed.

3. Ministry of Finance etc. are requested to bring the contents of the Office Memorandum dated 5<sup>th</sup> October, 2004 as well as this

Office Memorandum to the notice of all Government servants serving under their control and ensure that these are strictly followed by all concerned.

4. Hindi version will follow.



(S. Chandrasekaran)

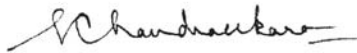
, Joint Secretary to the Government of India

To

All Ministries/Departments of the Government of India.

Copy to :

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
8. All officers and sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.



(S. Chandrasekaran)

Joint Secretary to the Government of India

## PROFORMA

(See O.M. No. 11013/7/2004-Estt.(A) dated 5<sup>th</sup> October, 2004)  
and dated 15<sup>th</sup> December, 2004.

1. Name
2. Designation
3. Pay
4. Ministry/Department (Specify Centre/State/PSU)
5. Passport No.
6. Details of private foreign travel to be undertaken

Period of abroad		Names of Foreign Countries to be visited	Purpose	Estimated Expenditure (Travel; board/ lodging, visa, misc. etc.)	Source of Funds	Remarks
From	To					

7. Details of previous private foreign travel, if any undertaken during the last four years (as under item No. 6)

Name :  
Designation :  
Date :



अपर सचिव

**Rakesh Kacker**  
Additional Secretary

Tel. : 011-23383027  
Fax : 011-23386575  
E-mail : as-ca@nic.in

उपभोक्ता मामले विभाग  
कृषि भवन, नई दिल्ली-110001

Government of India  
MINISTRY OF CONSUMER AFFAIRS, FOOD AND  
PUBLIC DISTRIBUTION  
Department of Consumer Affairs  
KRISHI BHAWAN, NEW DELHI - 110001

D.O. No. 3/7/2009-Vig

Dated the 27<sup>th</sup> July, 2009

Dear Shri Sharad Gupta,

Please refer to your letter No. HRD/7:024813 dated 23<sup>rd</sup> June, 2009 regarding permission to visit abroad on personal grounds. This also came up in the EC meeting on 23.07.2009: The Department of Consumer Affairs had enclosed a copy of the instructions contained in Ministry of External Affairs O.M. No.VI/401/40/83 dated 9.7.03. It may be seen that in this circular under the title 'Passport', the requirements for grant of 'no objection certificate' for going abroad certain points have to be kept in view. Point No. 5 provides "that there is no disciplinary / vigilance case is pending / contemplated against the official". Further, this circular also provides that "the employer will always have an opportunity to issue direction to the employee not to proceed abroad and refuse leave should the circumstances warrant such an action, i.e., pendency of a disciplinary enquiry on grave charges etc., ..."(para 2.4.5 and 2.4.6 of agenda for the 87<sup>th</sup> EC meeting of BIS). Hence, it is not correct to say that the NOC only facilitates the issue of passport and that the pendency of the disciplinary/vigilance case may also not be a bar on his foreign travel, as indicated in the letter cited above.

2. Even otherwise, the Government servant should take permission for leaving Station / Headquarters especially for private visits abroad, as provided in Government of India instructions No. 30-C under Rule 3-C of CCS (Conduct) Rules (copy enclosed). While giving this permission, the Competent Authority has to look into all aspects of the matter i.e. whether the official's absence from Headquarters would affect the working of the organization including the vigilance aspect.

3. The agenda for the 87<sup>th</sup> meeting (emergency) of the Executive Committee of BIS has been gone through. In agenda item 2.4, in para 2.4.8, it has been indicated that "the matter was referred to MOCA and CVC vide letter dated 22<sup>nd</sup> May, 2009 and 23<sup>rd</sup> June, 2009 indicating the point mentioned by DOP&T. However, no reply has been received". This is not correct as may be seen from the copy of the letter dated 25.05.2009 sent to BIS in response to their letter dated 20.05.2009.

4. From the above it is clear that

- (i) Permission is required for going abroad on personal visits.
- (ii) Such permission may be given or denied after going through all aspects including pending vigilance / disciplinary proceedings.

With regards,

Yours sincerely,

  
(Rakesh-Kacker)

Shri Sharad Gupta,  
Director General,  
Bureau of Indian Standards (Manak Bhawan),  
9, Bahadur Shah Zafar Marg,  
New Delhi-110002.

**No. 004/VGL/18  
Government of India  
Central Vigilance Commission**

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Satarkata Bhawan, Block-A,  
GPO Complex, INA,  
New Delhi-1100 23.  
Dated: 13th April, 2004

**Office Order No. 23/04/04**

**Subject : Vigilance angle - definition of.**

As you are aware, the Commission tenders advice in the cases, which involve a vigilance angle. The term "vigilance angle" has been defined in the Special Chapters for Vigilance Management in the public sector enterprises, public sector banks and public sector insurance companies. The matter with regard to bringing out greater quality and precision to the definition has been under reconsideration of the Commission. The Commission, now accordingly, has formulated a revised definition of vigilance angle as under:

**"Vigilance angle is obvious in the following acts: -**

- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
  - (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
  - (iii) Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
  - (iv) Possession of assets disproportionate to his known sources of income.
  - (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.
2. There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer's integrity is in doubt. Gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no

ostensible/public interest is evident; failure to keep the controlling authority/ superiors informed in time - **these are some of the irregularities where the disciplinary authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.**

3. The raison d'être of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Commercial risk taking forms part of business. Therefore, every loss caused to the organisation, either in pecuniary or non- pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organisation is one possible criterion for determining the bona fides of the case. A positive response to this question may indicate the existence of bona- fides. A negative reply, on the other hand, might indicate their absence.
4. Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not liable to face the consequences of his actions. **All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the service rules."**
5. The above definition becomes a part of the Vigilance Manual and existing Special Chapter on Public Sector Banks and Public Sector Enterprises brought out by the Commission, in supersession of the existing definition.

CVOs may bring this to the notice of all concerned.

Sd/-  
(Anjana Dube)  
Deputy Secretary

All Chief Vigilance Officers

**No. 004/VGL/18  
Government of India  
Central Vigilance Commission**

\*\*\*\*\*

Satarkata Bhawan, Block-A,  
GPO Complex, INA,  
New Delhi-1100 23.  
Dated the 21<sup>st</sup> December, 2005

**Office Order No.74/12/05**

**Sub:- Vigilance angle - definition of (partial modification regarding)**

In partial modification to Commission's Office Order No. 23/4/04 issued vide No. 004/VGL/18 dated 13.4.04 on definition of vigilance angle, the following is added at the end of para 2 for the purpose of determination of vigilance angle as para 2 (b)

**"Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case". The existing para 2 will be marked as para 2 (a).**

2. CVO may bring this to the notice of all concerned.

Sd/-  
(Anjana Dube)  
Deputy Secretary

All Chief Vigilance Officers

Copy to:-

1. Director CBI, New Delhi.
2. AVD-III, Deptt of Personnel & Training, North Block, New Delhi.

**MEANING OF THE TERM "MORAL TURPITUDE"**

**7.10.4** In common parlance the term 'moral turpitude' means any act or crime which involves grave infringement of the moral sentiments of the community or the society at large. However, in the case of *Baleshwar Singh V. District Magistrate*, AIR 1963, All. 71, Allahabad High Court has defined the term 'moral turpitude' as follows:

"The expression 'moral turpitude' is not defined anywhere. But it means anything done contrary to justice, honesty, modesty or good morals. It implies depravity and wickedness of character or disposition of the person charged with the particular conduct. Every false statement made by a person may not be moral turpitude, but it would be so if it discloses wiliness or depravity in the doing of any private and social duty which a person owes to his fellowmen or to the society in general. If, therefore, the individual charged with a certain conduct owes a duty, either to another individual or to the society in general, to act in a specific manner or not to so act and he still acts contrary to it, and does so knowingly, his act must be held to be due to wiliness and depravity. It will be contrary to accepted customary rule and duty between man and man."

The above definition of the term 'moral turpitude' has been accepted by the Hon'ble Supreme Court in the case of *Allahabad Bank And Another V. Deepak Kumar Bhola 1997 (4) see 1* as follows:

"In our opinion the aforesaid observations correctly spell out the true meaning of the expression 'Moral Turpitude'."

**7.10.5** Analysing the above definition, it would appear that any act done which is contrary to justice or honesty would involve moral turpitude. Thus an act of abuse of official position or acts done with a dishonest intention or where the motive is a base one or where it shocks the moral conscience of the society or where the person committing the act may be looked down upon by the society as a depraved person will involve moral turpitude. It is necessary to give a note of caution here that every violation of law would not necessarily involve moral turpitude. The intention behind the act will decide whether it involves moral turpitude or not.

**What is meant by 'Pendency' or 'Contemplation' of Disciplinary Proceedings**

18. The three situations mentioned in sub-rule 10(1) lay down the parameters within which an order of suspension can be made. The pendency of a disciplinary proceeding starts with the issue of the charge sheet and continues till final order is made by the disciplinary authority. As regards the term 'Contemplated', the Allahabad High Court has observed that 'to contemplate' meant 'to have in view', 'to take into account as contingency'. The Court observed -

"A departmental enquiry is contemplated when on objective consideration of the material, the appointing authority considers the case, as one which would lead to a departmental enquiry, irrespective of whether any preliminary enquiry, summary or detailed, has or has not been made, or if made, is not complete" [*State of U.P. v. Jai Singh Dixit, (1976)2 LLJ (All.) 246*].

**What is meant by 'investigation', 'inquiry', or 'trial' of a criminal case**

19. 'Investigation' under the Criminal Procedure Code includes all the proceedings under the Code for collection of evidence. Investigation starts after the F.I .R. has been registered. It is a stage before either the inquiry or trial. 'inquiry' includes every inquiry other than the 'trial'. The 'inquiry' and 'trial' in a criminal case do not go hand in hand [*B.B. Mondal v. State, AIR 1974 Lab.IC (Cal.) 606*].

