



# **CENTRAL VIGILANCE COMMISSION**

**Report**

**on**

**Study of Existing Patterns of Prolonged Disciplinary Proceedings and Suggestions for Remedial Action**

**26/10/2016**

## 1. **Background**

1.1 A committee was constituted by the Central Vigilance Commission vide letter no 17/30/15-admin dated 9.9.2016 for a “Study of Existing patterns of prolonged disciplinary proceedings and suggestions for remedial action”. The Committee consisted of the following members:

- (i) Shri Keshav Rao, Chief Vigilance Officer, Pawan Hans Ltd
- (ii) Shri S N Gupta, Director, CVC
- (iii) Shri T P Sharma, Under Secretary, CVC

1.2 Following were the terms of reference of the Committee:-

- (i) To study the pattern of progress of Complaints and Disciplinary Proceeding at different stages of cases based upon the input sheet parameters as well as time limits prescribed by CVC and make recommendation to ensure timeline are adhered to.
- (ii) The committee may select all cases relating to a period of at least three years.
- (iii) To examine and suggest improvement, if any, required in the current input sheet available regarding the disciplinary cases.

1.3 The committee met several times during the month of September & almost on daily basis in October 2016. The committee approached all the sections in the Commission for assistance in work and got cooperation from all the Sections. The committee received a lot of assistance from following officers of the IT cell in data collection and processing:

- (i) Shri A K Singh, Asstt Advisor(IT)
- (ii) Shri Surendra Prasad, Manager, PGCIL

## 2. **Method**

2.1 In order to study the patterns of delay, the committee decided to scrutinize data of various cases being processed & disposed in the Commission. A perusal of Commission’s Annual Reports for the years 2013 to 2015 indicated that approximately 5000 cases are disposed every year in the Commission, out of which around 1000 cases are of second stage advice. The Commission issued a circular no. 014/VGL/061 dt. 03/12/2014, which inter alia states the following:-

*“The Commission on further review of the consultation mechanism and to provide for speedy finalization of disciplinary proceedings has now*

*decided to dispense with consultation for second stage advice of the Commission in cases where the disciplinary authority (DA), on conclusion of disciplinary proceedings proposes to impose a penalty which is in line with the Commission's first stage advice in respect of officers falling within the jurisdiction of the Commission also."*

Owing to this circular, the number of cases in which the Commission tendered second stage advice, have dropped to 653 in 2015. As the mandate of the committee is to study delays in disciplinary proceedings, a comparison with previous committee report was possible only if nearly same numbers of samples are taken. Further, to ascertain improvement, if any, it has been decided not to take any case concluded before June 2015. Therefore it was decided to study at least 100 samples of various vigilance sections of the Commission. Further depending upon the number of cases disposed by each section in the last 3 years, a proportionate allocation of sample of cases against various vigilance branches in the Commission was done as mentioned below:-

TABLE -1

Sl. No.	Name of section	No. of samples
1	Vigilance-1	11
2	Vigilance-2	09
3	Vigilance-3	26
4	Vigilance-4	03
5	Vigilance-5	11
6	Vigilance-6	16
7	Vigilance-7	11
8	Vigilance-8	17
9	Vigilance-9	07
<b>10</b>	<b>Total</b>	<b>111</b>

- 2.2 Definition of a “completed case” has been taken as a case wherein an irregularity detected is followed till award of penalty and intimation to the Commission. Accordingly the Committee identified 16 activities for conclusion of a disciplinary case as below:

TABLE -2

Sl. No.	Event/Activity	Date
1	Date of irregularity	
2	Date of detection (complaint/inspection)	
3	Date of Commission's/Department's order for investigation	
4	Date of receipt of report in Commission	
5	Date of dispatch of FSA to CVO	
6	Date of receipt of reconsideration of FSA (if any)	
7	Date of FSA reconsidered advice by CVC (if any)	
8	Date of implementation of Commission's advice (issue of charge sheet)	
9	Date of appointment of IO	
10	Date of submission of inquiry report by the IO	
11	Date of receipt of second stage proposal (SSA) /reference in Commission	
12	Date of Commission's advice (SSA)	
13	Date of receipt of reconsideration of SSA (if any)	
14	Date of SSA reconsideration advice by CVC (if any)	
15	Date of order regarding implementation/non implementation of Commission's advice	
16	Date of intimation to Commission regarding implementation /non-implementation of advice of Commission	

2.3 All the sections were requested to provide data of the cases for the numbers of as mentioned against each section above. Assistant Advisors(IT) were deployed in different sections to expedite the data collection. With constant persuasion and personal visits to the sections, the committee could get data for about 107 cases. The data was checked and it was observed that, in many cases some of the dates were not provided by the sections. The committee in such cases scrutinized the concerned files and found out the date of the activity.

2.4 Standard time limits for various activities were obtained from the Commission's circular 000/VGL/18 dated 23.5.2000 as reproduced below:

**TABLE -3**

<b>Sl. No</b>	<b>Stage of Investigation/Inquiry</b>	<b>Prescribed Time Limits</b>
1	Decision as to whether the complaint involves a vigilance angle.	One month from receipt of the complaint.
2	Decision on complaint, whether to be filed or to be entrusted to CBI or to be taken up for investigation by departmental agency or to be sent to the concerned administrative authority for necessary action.	One month from receipt of the complaint
3	Conducting investigation and submission of report.	Three months.
4	Department's comments on the CBI reports in cases requiring Commission's advice.	One month from the date of receipt of CBI's report by the CVO/Disciplinary Authority.
5	Referring departmental investigation reports to the Commission for advice.	One month from the date of receipt of investigation report.
6	Reconsideration of the Commission's advice, if required.	One month from the date of receipt of Commission's advice.
7	Issue of charge-sheet, if required.	(i) One month from the date of receipt of Commission's advice.  (ii) Two months from the date of receipt of investigation report
8	Time for submission of defence statement.	Ordinarily ten days or as specified in CDA Rules.
9	Consideration of defence statement.	15 (fifteen) days.
10	Issue of final orders in minor penalty cases.	Two months from the receipt of defence statement.
11	Appointment of IO/PO in major penalty cases.	Immediately after receipt and consideration of defence statement.
12	Conducting departmental inquiry and submission of report.	Six months from the date of appointment of IO/PO.

13	Sending a copy of the IO's report to the Charged Officer for his representation.	i) Within 15 days of receipt of IO's report if any of the Articles of charge has been held as proved;  ii) 15 days if all charges held as not proved. Reasons for disagreement with IO's findings to be communicated.
14	Consideration of CO's representation and forwarding IO's report to the Commission for second stage advice.	One month from the date of receipt of representation.
15	Issuance of orders on the Inquiry report	i) One month from the date of Commission's advice.  ii) Two months from the date of receipt of IO's report if Commission's advice was not required.

2.5 Commission's guidelines stipulate that one month each is required for decision on the nature of action and verification on a complaint followed by three months for investigation. Therefore, expected time for receipt of an investigation report was taken as 5 months as against 3 months considered by the previous committee.

2.6 On the basis of framework decided above, details of 107 cases received from different sections were entered into an excel sheet. Time taken for an activity was calculated based on the dates of that activity and its previous activity. Further, taking into account the standard time limit as mentioned in table 3 above, delay for each activity was calculated. Out of a total of 107 cases, 7 cases were those in which advice of the commission was not required at second stage.

### 3. Results

3.1 Following table shows important observations on the pattern of delay:

**Table 4**

(All values in Months)

Sl. No.	Event / Activity	Stipulated Time	Average Time Taken	Average Delay
1	Detection of Irregularity	3	15.8	12.8
2	Receipt of I/R for FSA	5	26.4	21.4
3.	FSA from CVC	1	3.0	2.0
4	Implementation of FSA	1	4.4	3.4
5.	Appointment of IO	1	6.3	5.3
6	Submission of IO Report	6	17.8	11.8
7	Sending proposal for SSA	1.5	9.6	8.1
8.	SSA from CVC	1	2.7	1.7
9.	Passing of Penalty Order	1	4.4	3.4
10.	Intimation to CVC	1	2.0	1.0
<b>TOTAL</b>		<b>21.5</b>	<b>92.4</b>	<b>70.9</b>

3.2 It was observed that out of 107 cases time taken in two cases in two different activities was abnormal viz. Delay in Implementation of FSA was 128 months and Delay in sending SSA proposal was 116.5 month. Though such stray cases involving abnormal delays are a matter of concern for the Commission, for calculation of the average delay such cases have been considered as outliers and therefore all these three cases have been excluded while calculating the average delay.

3.3 The delay in the 7 cases (out of total 107 cases) in which the Commission's second stage advice was not required have also been analysed separately as below:

**Table 5 – Cases not requiring Second Stage Advice of the Commission**  
(All values in Months)

Sl. No.	Event / Activity	Stipulated Time	Average Time Taken	Average Delay
1	Detection of Irregularity	3	18.8	15.8
2	Receipt of I/R for FSA	5	16.3	11.3
3.	FSA from CVC	1	1.3	0.3
4	Implementation of FSA	1	3.9	2.9
5.	Appointment of IO	1	6.7	5.7
6	Submission of IO Report	6	24.1	18.1
7	Sending proposal for SSA	1.5	NA	NA
8.	SSA from CVC	1	NA	NA
9.	Passing of Penalty Order	1	13.8	12.8
10	Intimation to CVC	1	2.0	1.0
<b>TOTAL</b>		<b>21.5</b>	<b>89.4</b>	<b>67.9</b>

#### 4. Observations

4.1 Following observations are made with respect to each activity:

- (i) Average time taken for disposing a case is 92.4 months (approx. 7.5 years) against the stipulated period of 21.5 months. Thus average delay in disposal of a disciplinary cases is approximately 70.9 months ( a little less than 6 years)



Pursuant to the Commission's circular dated 03/12/2014 there is a fall in the overall delay in disposal of disciplinary cases to 67.9 months. The effect of this circular will be more visible in coming years.

(ii) **Delay in Detection**

Average delay in detection of a case is 12.8 months. This shows that on an average, it takes about 16 months to detect an irregularity. This period appears to be on a higher side and can be reduced.

(iii) **Delay in I/R for FSA**

Against this item, the time taken is around 26.4 months against a stipulated period of 5 months. This is an area which requires significant improvement on the part of CVOs & close monitoring in the Commission.

(iv) **Delay in FSA from CVC**

Delay observed against this item is 2.0 months which is moderate, though it can be further improved.

(v) **Delay in Implementation of FSA**

Delay observed against this item is 3.4 months.

(vi) **Delay in appointment of IO**

Against a stipulated period of one month, on an average, it is taking more than six months period to appoint an IO. The average delay in this activity is 5.3 months.

(vii) **Delay in submission of IO Report**

Against a stipulated period of six months, on an average, it is taking around 18 months to submit reports, i.e. an average delay of 11.8 months.

(viii) **Delay in sending SSA proposal**

Against a stipulated period of one & a half months, on an average, it is taking around nine & a half months to send proposal for SSA i.e. an average delay of 8.1 months.

(ix) **Delay in tendering SSA**

Against a stipulated period of one month, on an average, it is taking around two and a half months to tender SSA.

(x) **Delay in passing Penalty Order**

Delay observed against this item is 3.4 months. Against a stipulated period of one month, on an average, it is taking around four and half months to impose a penalty.

(xi) **Delay in intimation to CVC**

Against a stipulated period of one month, on an average, it is taking around two months to inform the Commission. Although this delay is inconsequential to the process of disciplinary proceedings, this has an important role in monitoring at the Commission's level.

5. **Comments on Terms of Reference:**

1. *To study the pattern of progress of complaints and Disciplinary Proceedings cases at different stages of cases based upon the input sheet proceedings cases at different stages of cases based upon the input sheet parameters as well as time limits prescribed by CVC and make recommendation to ensure timelines are adhered to.*

**Comments:**

A study of 107 completed disciplinary cases was undertaken. Data of various activities in these disciplinary cases as described in Table-2 was entered in an excel sheet and the time taken in each activity was obtained by subtracting date of an event from the previous event. This time was compared with the standard timeline for the activities as prescribed by the Commission vide circular no. 000/VGL/18 dated 23/05/2000.

**Recommendations for adhering to the time lines**

The committee would recommend following:

- (a) Delay in detection can be reduced by closer monitoring through various means such as; adhering to inspection schedules, increasing surprise inspections and strengthening sources of information.
- (b) Suggestions for reducing delay in Investigation:  
Following main factors cause delay in investigations:-
  - (i) Delay in handing over files.
  - (ii) Delay in replying to clarification
  - (iii) Delay in replying to questionnaire.
  - (iv) Delay in decision making by DA.

To reduce the delay on this account CVOs may issue letters to all concerned, emphasizing the timelines laid down by Commission while carrying out investigation. This will make all concerned sensitive towards delay, if any, in the process.

(c) Suggestions for reducing delay in inquiry are:

- (i) Delay in appointment of IO is totally avoidable and the concerned Disciplinary Authorities/CVOs should ensure that the Appointment orders of IO/PO are issued at the earliest.
- (ii) Disciplinary Authority should appoint an officer as PO who has the ability to analyse a vigilance case properly and take timely actions.
- (iii) Incentive to PO: Since the PO's work is over and above regular duties and has to be completed in a time bound manner, incentives need to be revised suitably to motivate officers.

(d) Every file in the Commission should be put up with input sheet wherein all the data regarding dates is captured and the time since previous event is also recorded on note sheet. This suggestion was also given by the previous committee. This may be implemented now so that the delay at every stage is noted. CVO may also be asked to submit following dates along with Reports at any stage:

- (i) Date of Irregularity
- (ii) Date of Detection/complaint
- (iii) Date of sending Investigation report to the Commission
- (iv) Date of Charge sheet, if any
- (v) Date of appointment of IO
- (vi) Date of submission of IO report
- (vii) Date of sending proposal for SSA
- (viii) Date of Final penalty order
- (ix) Date of intimation to the Commission

2. ***The Committee may select all cases relating to period of at least 3 years:***

**Comments:**

In the study, all completed cases i.e. going from the beginning of irregularity till the award of penalty and intimation to the Commission have been considered. In order to compare the results derived out of this study with the results drawn by the previous committee, the samples of the cases drawn have been restricted only to cases concluding during the period from June 2015 to August 2016.

**3. To examine and suggest improvement, if any, required in the current input sheet available regarding the disciplinary cases:**

**Comments:**

The present input sheet was examined by the committee. It was observed that in the input sheet, some parameters need to be added. The committee would recommend addition of following parameters to take the inputs at the relevant stage:

- a) Number of official involved: This parameter should be made mandatory to be filled up at the FSA level so that it can be ensured that names of all suspect officials are entered in the system.
- b) CTE Reference No: So that CTE reference cases and branch files can be linked.
- c) DA's recommendation at FSA
- d) SSA Proposal Receipt Date: So that delay in processing by CVO after receiving the IO report can be found.
- e) In some of the cases after issuing the penalty orders by DA, penalty is changed if CO makes an appeal to Appellate authority and/or reviewing authority. So, there is a need to capture this data.

**6. Conclusions:**

- 7.1 Overall average time taken in disposal of disciplinary cases has been found to be approximately 92 months against the prescribed period of 21.5 months i.e. average delay in a case is 70.9 months (approx. 6 years).
- 7.2 Out of the total period, a period of nearly 50 months is taken before issuance of a charge sheet and 42 months are taken afterwards. On an average, process is delayed by nearly 40 months before issuance of charge sheet and by nearly 31 months after issuance of chargesheet.
- 7.3 There are 5 major activities involving delay:-
  - (i) Delay in Detection of irregularity- 13 months
  - (ii) Delay in submission of investigation report – 21 months
  - (iii) Delay in appointment of IO- 5 months
  - (iv) Delay in Submission of inquiry report - 12 months
  - (v) Delay in sending proposed for SSA – 9 months.
- 7.4 These 5 factors make more than 83% of the entire delay. Suggestions for reducing all these delays have already been given above. Delay in appointment of IO appears to be most unreasonable. This delay should be

immediately eliminated by prompt follow up. As regards submission of inquiry report, delay can be cut by at least by six months by constant persuasion by IO, PO & CVO. Item (v) of delay above will get largely eliminated by virtue of Commission's order in 2014 dispensing with SSA for cases in which final action is in line with FSA.

- 7.5 While analyzing 7 concluded cases in which second stage advice of the Commission was not necessary, there are some unusual observations. Delay in imposition of penalty in these cases has been higher as compared to those in which Commission's advice was taken at second stage. It has taken upto 1 year after completion of inquiry. This is particularly a matter for concern and requires constant monitoring of cases at second stage also.
- 7.6 Part of the delay attributable to the Commission is 6% of the total delay (i.e. in tendering FSA & SSA).
- 7.7 Efforts made in the Commission for expediting investigations and inquiry reports have resulted in cutting delays in investigation and completion of inquiry etc. which are likely to result in expeditious conclusion of cases in the next couple of years.

(T P Sharma)  
Under Secretary

(S N Gupta)  
Director

(Keshav Rao)  
CVO-PHL