

VIGILANCE CIRCULAR ORDER NO.1/2009.

Of late, it has come to notice that departmental proceedings are being recommended against Public Servants for their involvement in Vigilance Cases in addition to their simultaneous prosecution on identical charges in the Court. In all such cases Articles of Charge, Statement of Imputation and Memo of Evidence (as per provisions of P.M. Appendix 49 against Police personnel and as per provisions of OCS (CC & A) Rules, 1962 against other public servants) are sent to the appropriate authorities for initiation of regular departmental action citing the case related documents / records, collected during investigation as Exhibits in the proceeding Enquiry to substantiate the charge. Therefore, the delinquent officers taking advantage of initiation of departmental proceeding & criminal proceeding simultaneously on common charges, offence succeed in getting a stay order on the departmental proceeding from the Administrative Tribunal till finalisation of the criminal proceeding against them which is based on identical facts. In the event of acquittal of the delinquent Public Servants from the charges in the Court, they come forward citing their acquittal in the Vigilance Case and claim to drop the disciplinary proceeding, leaving no option for the Disciplinary Authority but to drop the proceeding, Such exoneration of the Delinquent Officer in Departmental Proceedings following their acquittal in Vigilance cases in the Court of law not only entails them promotion to next higher rank retrospectively but also provides ample scope of claiming huge financial benefit even after their involvement in the allegation of Bribery, D.A , Corruption etc.

Therefore, it is hereby ordered that while furnishing Articles of Charge, Statement of Imputation and Memo of Evidence against such Public Servants (in

In addition to their prosecution in the Court of law for their involvement in Vigilance cases, the charges should not be identical to that of the criminal case and the copies of relevant records, collected and relied upon during investigation to establish the charge against the accused in the Court of law, should not be cited as Exhibits in the proposed departmental proceeding to substantiate the Charge. The departmental proceeding should be recommended for failure to maintain absolute integrity and devotion to duty as envisaged in Rule 3 or 4 of the OGSCR 1959.

A.K. Patil
2-3-2009
 (A.K. Patil)