



भारत प्रतिभूति मुद्रण तथा मुद्रा निर्माण निगम लिमिटेड

Security Printing and Minting Corporation of India Limited

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भा.प्र.मु.नि.नि.लि./सतर्कता/42/17/1919
SPMCIL/VIG/42/17/

दिनांक : 26.06.2019

Date :

परिपत्र संख्या 10/19/Circular No. 10/19

विषय/Sub:- अभियोजन के लिए स्वीकृति देने के मामलों में डीए और सीवीसी के बीच असहमति से निपटने के लिए दिशानिर्देश - के बारे में / Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution - regarding.

दिनांक 01.03.2019 को डीओपीटी के कार्यालय मेमोरेण्डम नंबर 372/6/2017-एवीडी -III, डीओपीटी के ओएम नं.134/2/85-एवीडी-I दिनांक 15/17-10-1986 - अभियोजन के लिए स्वीकृति देने के लिए अनुरोधों से निपटने के लिए / प्रसंस्करण के मामलों / जारी किए गए पूर्व दिशानिर्देशों के अधिशेष में संशोधित दिशानिर्देश जारी किए हैं।

DOP&T vide Office Memorandum No.372/6/2017-AVD-III, dated 01.03.2019 has issued revised guidelines in supersession of earlier guidelines issued vide DoP&T's OM No.134/2/85-AVD-I dated 15/17-10-1986 for dealing with/processing cases/requests of granting Sanction for Prosecution.

2. डीओपीटी के कार्यालय ज्ञापन संख्या 372/6/2017-AVD-III, दिनांक 01.03.2019 की एक प्रति, अभियोजन के लिए मंजूरी के मामलों से निपटने के लिए जो की सीपीएसयू/पीएसआईसी/एफआई और स्वायत्त निकायों आदि में सभी प्रशासनिक प्राधिकरणों द्वारा कड़ाई से अनुपालन करने के लिए दी गई है, जिसको सूचनार्थ एवं आवश्यक कार्यवाही हेतु परिचालित किया जाता है।

A copy of DoP&T's Office Memorandum No.372/6/2017-AVD-III, dated 01.03.2019 is enclosed herewith for strict compliance by all Administrative Authorities in the CPSUs/PSICs/FIs and Autonomous Bodies etc. while dealing with cases of Sanction for Prosecution, which is being circulated for information and necessary action.

-पृष्ठ संख्या -2 पर जारी /Contd. at Page 2-

सुजय तिवारी

भा.प्र.मु.मु.नि.नि.लि./सतर्कता/42/17/1919
SPMCIL/VIG/42/17/

दिनांक : 26.06.2019
Date :

3. इसे सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है।

This issues with the approval of Competent Authority.

सुनील तिवारी
26.6.19

सुनील तिवारी (Sunil Tiwari)
उप मुख्य सतर्कता अधिकारी/Dy. CVO

सेवा मे,

महाप्रबंधक/The General Manager,

टकसाल/मुद्रणालय/कागज कारखाना/Mints/Presses/Paper Mill,

भा.प्र.मु.मु.नि.नि.लि./SPMCIL

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2. निदेशक (तकनीकी/मा.स./वित्त)मु.स.अ./Director (Tech/HR/Fin.)/CVO
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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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सं./No.....016/VGL/011.....

दिनांक / Dated....02.05.2019.....

Circular No.03/05/2019

Sub: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution – regarding.

DoP&T vide Office Memorandum No.372/6/2017-AVD-III, dated 01.03.2019 has issued revised guidelines in supersession of earlier guidelines issued vide DoP&T's OM No.134/2/85-AVD-I dated 15/17-10-1986 for dealing with/processing cases/requests of granting Sanction for Prosecution.

2. A copy of DoP&T's Office Memorandum No.372/6/2017-AVD-III, dated 01.03.2019 is enclosed herewith for strict compliance by all Administrative Authorities in the CPSUs/PSBs/PSICs/FIs and Autonomous Bodies etc. while dealing with cases of Sanction for Prosecution.


(J Vinod Kumar)
Director

Encl.: As above.

1. All Chief Executives of CPSUs/Public Sector Banks//PSICs/FIs and Autonomous Bodies etc.
2. All CVOs of CPSUs/Public Sector Banks//PSICs/FIs and Autonomous Bodies etc.
3. To be placed on website.

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No. 372/6/2017-AVD-III

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated 1st March, 2019

OFFICE MEMORANDUM

Subject: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution - regarding

In supersession of this Department's OM No. 134/2/85-AVD-I dated 15/17-10-1986, the following guidelines are laid down for strict compliance while dealing with disagreement between the Disciplinary Authority (DA) and the Central Vigilance Commission (CVC) in cases of granting Sanction for Prosecution.

2. The work relating to according of Central Government's sanction for the prosecution of any person in a case investigated by the Central Bureau of Investigation (CBI) which was centralised in the Department of Personnel and Training, has since been decentralised and vested in the Ministry/Department concerned vide Cabinet Secretariat's Notification No. CD-826/86, dated the 30th September, 1986.

2.1 The CBI recommends prosecution of persons only in those cases in which they find sufficient justification for the same as a result of the investigation conducted by them. There are adequate internal controls within CBI to ensure that a recommendation to prosecute is taken only after a very careful examination of all the facts and circumstances of the case. Hence, any decision not to accord sanction for prosecution in such cases should, therefore, be for very valid reasons.

2.2 The following guidelines may be kept in view while dealing with cases of sanction of prosecution:

- (i) In cases in which sanction for prosecution is required to be accorded in the name of the President, the CVC will advise the Ministry/Department concerned and it would be for that Ministry/Department to consider the advice of the CVC and to take a decision as to whether or not the prosecution should be sanctioned;
- (ii) In cases in which an authority other than the President is competent to sanction prosecution, and that authority does not propose to accord such sanction, it is required to report the case to the CVC and take further action after considering the CVC's advice, vide para 2(vi)(b) of the Government Resolution by which the CVC was set up and the CVC's letter No. 9/1/64-DP dated 13th April, 1984.

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(2)

- (iii) In a case falling under (i) above, if the CVC advises grant of sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice, the case should be referred to this Department for final decision.
- (iv) In a case falling under (i) above, if the CVC declines sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice and proposes to grant sanction for prosecution, the case should be referred to this Department for a final decision.
- (v) In a case falling under (ii) above, if the CBI has sought sanction for prosecution and the CVC has recommended grant of sanction, and yet the competent authority proposes not to grant sanction, the case should be referred to this Department for final decision.
- (vi) Where two or more Government servants belonging to different Ministries/Departments, or under the control of different cadre controlling authorities are involved, the CBI will seek sanction from the respective Ministries/Departments or the respective competent authorities in accordance with the procedure laid down in the above paragraphs. Where sanction is granted in the case of one of the Govt. servants but sanction is refused in the case of the other or others, the CBI will refer the case to this Department for resolution of the conflict, if any, for final decision.

3. This issues with the approval of Competent Authority.

Manmeet
 (Manmeet Kaur)

Under Secretary to the Govt. of India
 Tel No. 2309 4541

To:

- 1. All Ministries/Departments of the Government of India as per standard list
- 2. Prime Minister's Office, South Block, New Delhi
- 3. NIC, DoPT for uploading on the website of this Department

Copy to:

- 1. Secretary, CVC, Satarkta Bhawan, New Delhi
- 2. Director, CBI, North Block, New Delhi
- 3. Other as per standard list.