



FEDERATION OF RAILWAY OFFICERS' ASSOCIATIONS

President

R.R. PRASAD

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No.2015/FROA/16

Secretary General

R.N. SINGH

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Dated 12.08.2015

**Chairman,
Railway Board,
Rail Bhawan, New Delhi**

Sub: Suggestions for improving Vigilance Administration on IR

FROA, vide letter no. FROA/2014/14 dated 12.09.14(copy enclosed), had submitted certain suggestions regarding improvement in the vigilance administration on IR with an objective to simplify and fast-track various processes and to avoid undue harassment of honest and bonafide officers. While FROA supports the Vigilance organization's role in fighting corruption and appreciates its efforts, it is considered that certain practices/procedures are causing fear psychosis amongst Railway officers leading to hesitation on their part in taking even the genuine decisions, which is detrimental to the operational efficiency of the Railway system.

Some more suggestions are being submitted for kind consideration of Board/CVC :

1. Actions older than specified period, say 5 years, should be treated as 'time barred' for vigilance investigation.
2. While giving 'vigilance clearance' for promotion/posting /selection etc, the vigilance history of the officer is also furnished. It has however been observed that even the 'unsubstantiated cases/complaints' are also included in the history, which is contrary to the extant provisions of the 'Vigilance Manual' on this issue, which mandate exclusion of 'unsubstantiated cases' from the vigilance history, as seen in the relevant extracts reproduced below -

"CHAPTER VII - VIGILANCE CLEARANCE FOR MANAGEMENT DECISIONS"

Annexure-VII/1-GUIDELINES FOR VIGILANCE CLEARANCE AND MANAGEMENT DECISION"

"Posting / Promotions/ Special assignments/ Confirmation/ Normal retirements/ Voluntary retirements/ Resignations etc.

Vigilance Directorate will furnish the following information: (i) Current vigilance cases under DAR Investigation with an indication whether any prima-facie decision has been taken to initiate major penalty proceedings in any one of them; 72 Annexure-VII/1 (contd.) (ii) Vigilance history of substantiated cases during preceding five years will be provided by Vigilance Directorate. However, for promotion of Group 'B' officers to Group 'A' full vigilance history excluding unsubstantiated cases will be provided. (Authority: Office Order No. 46 of 1995). (iii) Cases where officer is undergoing punishment."

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Unnecessary mentioning of the 'unsubstantiated cases' in the vigilance history of the officer, mars his/her image and reputation especially in DPC and selection cases, wherein he/she is perceived to be having doubtful integrity. It is a case of double whammy because an honest officer has to first undergo an ordeal of vigilance investigation on false complaint and then has to suffer perpetual damage to his/her reputation for entire career due to repeated mentioning of the same in vigilance history. Such practice also empowers mischievous complainants against honest officers.

3. It has been observed that on completion of vigilance investigation in cases of Gazetted Officers in Zonal railways/PUs, some Vigilance officers and SDGMs tend to give their recommendation regarding the type of disciplinary action to be initiated, which is beyond their purview, because in Zonal railways/PUs, only GM has the prerogative to give any recommendation in this regard, as can be seen from the para-414.3 of Vigilance Manual, reproduced below-

"414.3 In cases where any action is proposed against Gazetted Officers, the Chief Vigilance Officer will forward the findings of the investigation to the concerned Principal Head of Department for his views on the case. After obtaining the PHOD's views, the CVO will sum up the investigations and submit the case to the General Manager for his recommendations. The General Manager will give his recommendations in regard to the conclusions contained in the report, quantum of responsibility of each officer/official, the gravity of the various acts of omission or commission and whether these deserve formal disciplinary action (major penalty or minor penalty) or the ends of justice would be met by suitable administrative action."

Above provision needs to be re-iterated and circulated to all GMs/SDGMs/Dy.CVOs for strict compliance.

4. In cases of major penalty proceedings, if the Inquiry Officer (I.O.) has exonerated the charged official, the I.O.'s report is routed through the Vigilance, and in many cases, Vigilance disagree with the findings of I.O, and DA's mind gets influenced by the vigilance views. In such cases, DA should be allowed to apply his/her mind independently on I.O.'s report, and therefore, inquiry reports should be put up to DA without taking vigilance remarks on them, especially because I.O.s are also empanelled by the Vigilance. In case of difference of opinion between DA and CVC, the decision of DA should be final.
5. During vigilance investigations, if complaint is found to be malafied or frivolous, then suitable action should be taken against the complainant.
6. Vigilance cases should not be made merely for procedural lapses or for bonafide mistakes, which should be dealt through Administrative mechanism. General reputation of the official being investigated, should be given due consideration.

With kind Regards,


(R. N. Singh)

Secretary General

Copy: -All Board Members for kind information

-Adviser/Vigilance & CVO/Ministry of Railways for kind information



FEDERATION OF RAILWAY OFFICERS' ASSOCIATIONS

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The Chairman,
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Date: 12-9-14

Sub:- Vigilance matters

FROA wishes to point out that instances have come to light wherein Railway Officers have suffered irreparable damage and mental agony due to undue delay in finalization of disciplinary proceedings arising out of vigilance cases. In some of these complaints, despite Vigilance Directorate recommending no action finally, the officers had to undergo agony and in some cases even loss of promotion during the intervening period due to delays in investigation and systemic complications.

FROA feels that it may be necessary to take a relook at the existing systems and revamp them so that the processes are simplified and cases are fast tracked, to ensure that honest and bonafide officers do not undergo harassment and loss of face.

While FROA appreciates the role of the Vigilance Directorate in bringing to task, cases of malafide nature, FROA would like to give its suggestions with regard to the concerns raised above regarding damage caused to honest and bonafide officers.

1. FROA feels that no cognizance should be taken if complaints are anonymous or pseudonymous even if it is only for preventive checks.
2. The system of giving targets to Vigilance Officers/Inspectors, for generation of vigilance cases is archaic and needs to be done away with. Efforts should be made in generating awareness amongst the officers, of the severe consequences of malafide action and also undertaking systemic improvements in processes rather than fulfilling targets.
3. Actions, older than the specified period of, say 3 years, needs to be treated as time barred, for the purposes of undertaking vigilance investigation.
4. Status of CVC clearance, in respect of clear cases, for higher level appointments should be put on the Vigilance Directorate website.
5. There is a need to have clear distinction between bonafide lapses/procedural lapses vis-a-vis malafide intentions/deliberate actions of misdeed, for the purposes of vigilance investigations.

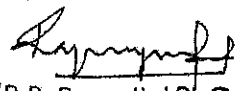
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6. FROA feels that time limits prescribed for investigation of vigilance cases needs to be strictly adhered to. Investigations should be completed within one year of registration of complaint and all DAR proceedings arising out of major penalty chargesheets must be completed within 6 months of the issue of the chargesheet.
7. Despite Supreme Court ruling of withholding promotion only where chargesheets have been issued, cases have come to light where promotions have been denied/delayed merely on account of pending vigilance investigation or on account of 'recorded warning' having been issued to the concerned officer.
8. There have been cases where the Inquiry Officer have exonerated the charged official after issue of a major penalty chargesheet, however it is noticed that in some cases, Vigilance Directorate, has been insisting on imposition of punishment, despite clear Inquiry Report. In all such matters, the decision of the Disciplinary Authority needs to be supreme and final.

FROA trusts and hopes that while Vigilance Directorate may be seized of some of the above stated issues, even, if it tantamounts to reiteration, the aforesaid suggestions are given, for kind consideration.

Thanking you,

Faithfully yours,


(R.R. Prasad) 12.9.2014
Secretary General