

Seal

Intensive Examination

Of

Works

Guidelines

**Chief Technical Examiners Organisation
Central Vigilance Commission
Government of India**

N. Vittal

Seal

D.O. No.CVC/2001/1518

Government of India
Central Vigilance Commissioner
Central Vigilance Commission
Satarkata Bhavan, GPO Complex,
Block A, INA, New Delhi 110 023.

Vigilance has a positive function to play especially in good governance. Generally the perception of vigilance is that it is anti-development and anti-decision making.

In fact, the Chief Technical Examiner's Organisation in the Central Vigilance Commission has been making a positive contribution by conducting systematically examination of various works and in the process pointing out the defects which can be easily avoided. The work of the CTEs have also resulted in government recovering substantial amount of revenue. For example, in the year 2000-2001, the budget of the CVC was of the order of Rs.4 crores and the CTE's function alone resulted in the recovery of more than Rs. 8.75 crores to the government, thus making CVC's organisation itself truly an organisation that brings in revenue for the government. Thus is probably one aspect of the vigilance function which is generally not noticed.

Ultimately in this age of the knowledge economy, it is necessary that everyone understands his function and is able to play his role effectively. I congratulate CTE's organisation of the CVC and particularly Shri Arumugam, CTE for bringing out this very timely publication INTESIVE EXAMINATION OF WORKS (GUIDELINES). I am sure, this will prove useful to all concerned.

New Delhi
11-10-2001

Sd/-
(N. Vittal)

V.S. Mathur

Seal

D.O. No. VC/MISC/2001

Vigilance Commissioner
Central Vigilance Commission
Government of India
Satarkata Bhavan, GPO Complex,
Block A, INA, New Delhi 110 023.

The 'Intensive Examination of Works (Guidelines)' which has been meticulously prepared by the CTE's organisation of the Central Vigilance Commission is an extremely useful document. There are many cases where contractors/consultants cause loss to Government Organisations/Departments by doing sub-standard work for which they claim full payment. The CVO's and other investigating officers, while conducting investigations into complaints of sub-standard works/constructions would do well to go through this document, which precisely lays down the methods by which such lucunae can be detected.

From the fact that in the year 2000-2001, the Chief Technical Examiner's unit of the CVC has resulted in recoveries of more than Rs. 8.75 crores in favour of the Government shows the immense potential of this organisation which perhaps, is not being fully utilized by the investigating officers. I am quite sure that by a careful study of these guidelines, the CVOs of the Departments/Organisations would be able to make a more worthwhile contribution in the detection of cases of sub-standard works in pin-pointing the exact lapses. This would not only result in significant financial recoveries for the Government, but also act as a deterrent in preventing corrupt practices in Civil Engineering works. It is also hoped that a study of these guidelines by various vigilance officials would definitely enable them to utilize the service of the CTE's Organisation in a more purposeful manner.

I congratulate the CTE's Organisation of the Commission, especially our Chief Technical Examiner (Civil Works), Shri R.A. Arumugam, for bringing out this extremely useful document.

New Delhi
22-10-2001

(V.S. Mathur)

S.N.P.N. Sinha

Seal

D.O. No. Secretary/2001/1317

Secretary
Chief Vigilance Commission
Government of India

Satarkata Bhavan, GPO Complex
Block A, INA, New Delhi 110 023

Chief Technical Examiner's Wing in the Central Vigilance Commission plays an important role in detailed examination of works(Civil, Mechanical & Electrical etc.) executed by government departments, PSUs etc.

The present booklet is an attempt to arrange the existing instructions and lays down time frame formats and technical standards for such works. Reliance has of course been placed on accepted engineering standards and codes.

It is hoped that the guidelines will be practically useful for handy reference. The initiative taken in this regard by Shri R.A. Arumugam, CTE and his colleagues resulting in the publication of the present booklet deserves appreciation and congratulations.

New Delhi
19-10-2001

(S.N.P.N. Sinha)
Secretary

Preface

The CTE Organisation of Central Vigilance Commission conducts intensive examination of works regularly for many decades. Many circulars have been issued by the CVC in this regard. However, it is noticed in the past that many organisations have a limited knowledge about the full picture of the intensive examination of works. Investigation reports are sent to the Commission by various organisations in a very sketchy manner and without bothering the time limit specified. References are received by the Commission for first stage advice a few days before the retirement of the officials responsible for the lapses. As a result, many officials responsible for serious lapses either retire or leave the organisation without punishment. Due to the delay, final bills of the contractors are also passed and paid without effecting recovery suggested by the CTEO. Each organisation has their own formats for investigation reports, for furnishing information to the Intensive Examination Report etc.

The aim of the present booklet is to improve the existing system by prescribing formats for various reports etc. prescribing time schedule for different activities and to put together all the materials relevant to intensive examination of works.

I express my profound gratitude to Sh. N. Vittal, CVC, Sh. V.S. Mathur, VC and Sh. S.N.P.N. Sinha, Secretary for their inspiration in making this booklet more meaningful.

Sincere efforts were made for preparation of this booklet by Er. Vinayak Rai, Er. K.G. Dua, Er. Rabindra Kumar, Er. Surendra Mohan, Technical Examiners and Er. K.S. Gaur, Assistant Technical Examiner of this Commission. This booklet could not be brought to this shape but for sincere efforts of Shri Paramjeet Singh, P.S. of the Commission. I wish to take this opportunity to record appreciation of the above officials.

The valuable suggestions given while reviewing these guidelines by Er. M.P. Juneja, CTE, Er. J.M. Rai, CE (Vig.), CPWD, Shri C.J. Mathews and Shri P.M. Pillai, Dy. Secretaries of the Commission are gratefully acknowledged.

I am sure that these guidelines will be useful to all concerned.

Any error or omission and suggestions for improvement may be brought to the notice of the undersigned.

New Delhi
11-10-2001

R. A. ARUMUGAM
Chief Technical Examiner
Central Vigilance Commission

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Intensive Examination of Works

1. Introduction

In pursuance to the recommendation made by the Public Account Committee (PAC) in its Report for the year 1947-48, the Government set up in May, 1948 on inter-departmental committee to examine the question of setting up an independent inspection agency for the technical examination of expenditure on CPWD works. The Committee recommended the introduction of organisations on the pattern of (a) Chief Technical Examiner and (b) Chief Surveyor of Works in the CPWD. Through this recommendation was accepted in principle by the Government, initially only a Superintending Surveyor of Works Organisation was accepted in principle by the Government, initially only a Superintending Surveyor of Works Organisation was set up under the control of the Chief Engineer, CPWD. The task assigned to it included inspection of all important works undertaken by CPWD, both during their progress and after their completion.

The PAC in its report for the year 1955-56, however, reiterated its earlier recommendation for the introduction of an independent audit of the works in the CPWD and pressed for the setting up of the CTE Organisation. In pursuance to this, the Government finally issued formal orders for the creation of Chief Technical Examiner Cell in the then Ministry of Works Housing and Supply in May, 1957.

The Government in 1963 set up a Committee on Prevention of Corruption under the Chairmanship of Shri K. Santhanam for examining the much wider issue of prevention of Corruption in the public administration. The Committee, inter-alia, observed that the CTE's Cell had been doing extremely good work and recommended that this organisation not only needed to be continued but be strengthened to enable it to work more effectively. The Committee further recommended that the jurisdiction of the Organisation should be extended to cover construction works undertaken by other Ministries/Department, etc. and to place it under the administrative control of the Central Vigilance Commission. The CTE's Organisation was finally placed under the administrative control of the Central Vigilance Commission in November, 1964.

The CTE's Organisation when set up in 1957 had one CTE and 2 Technical Examiner, Additional posts were added in course of time including one more post of CTE in 1979.

2. Organisation

Central Vigilance Commission is a multi member body comprising of Central Vigilance Commission and Vigilance Commissioner. The Commission is assisted by a Secretariat in the exercise of its functions. The Chief Technical Examiner's Organisation of the Commission deals with Technical matters including technical examination of works of various organisations.

CTE (Civil Works)

- TE(NH)
- TE(SH)
- TE(WT)
- TE(ET)

CTE (Store Purchases, Electrical, Electronics & Mechanical Works)

- TE(S.P.& IC-I)
- TE(S.P.& IC-II)
- TE(ELECT)NE
- TE(ELECT)SW

3. Selection of Works

The resolution No. 24/7/64-AVD, dated 11.2.64, under which Central Vigilance Commission was set up. empowers the Commission to call for reports, returns and statements from all Ministries/ Departments/Corporate Central Undertakings so as to enable the Commission to exercise general check and supervision over the vigilance and anti-corruption work in the Ministries/ Departments/Undertakings.

Though the CTE's organisation can examine original or repair works of any magnitude, yet considering its own limited resources it generally examines works of a larger size only. For this purpose, all the Chief Vigilance Officers of the Department of Government of India, Union Territories, Central Public Sector Undertakings, other autonomous and similar bodies are required to furnish quarterly progress reports (QPRs), in respect of civil works costing more than Rs. One Crore, electrical works costing more than Rs. 15 lakhs, horticultural works costing more than Rs. 2 lakhs and stores purchase contracts costing more than Rs. 2.00 Crores for the quarter ending March, June, September and December by the 15th Day of the month following the quarter. Circulars were issued in this regard vide OM No. 98-VGL-25 dated 20.10.98 (Appendix-I) and No. 98-VGL-25 dated 20.07.2001(Appendix-II) which contain detailed guidelines with reference to submission of QPRs. Format for submission of QPRs is also given in the above circulars.

While submitting the QPR returns to the CTE Organisation, the following points are to be kept in mind :

- (a) The cost of the work relates to the accepted/tendered value of the work and not the estimated cost.
- (b) If one Ministry/Department/Undertaking of the Central Government has entrusted the work to another Ministry/Department/under-taking of the Central Government for execution, it may be included in the return to be submitted by both the Organisations.
- (c) The location of the work must be indicated.
- (d) Use of abbreviations that are not know ordinarily should be avoided.
- (e) Air-conditioning, Telecommunication Engineering works etc may be treated as Electrical works and Marine works may be treated as Civil works for the purpose of reporting to the CTE Organisation.
- (f) The purchase of ready-built properties, materials and stores, if not purchased on DGS & D approved rates or at the rates approved by other Govt. agency may also be treated as works for the purpose of inclusion in the Quarterly Progress Reports. However, cases wherein the supplier is a Central Government Deptt, or Central Govt. Undertakings need not be included.
- (g) The QPRs for purchase of stores/materials are to be submitted separately.
- (h) Some of the departments have set up Civil wings for execution of their Civil Works. While such Civil Wings submit QPRs with regard to the works being executed by them, the other works being executed through the contractors or any other agency are not being reported to the CTE's Organisation.
- (i) All the works undertaken by the Organisations, whether in India or outside India should be included in the QPRs.
- (j) QPRs should be sent to the CTE Organisation every quarter, even if the information is nil.
- (k) All works in progress, contracts awarded, and the works completed during the quarter should be included in the QPRs. In respect of works completed during the relevant quarter, the actual date of completion should be indicated.
- (l) The QPRs in respect of Civil works, Electrical works, Purchase cases and Horticulture works should be submitted on separate sheets of paper so that it can be detached and sent to concerned technical examiner.

- (m) The monetary limit fixed for reporting works in QPRs is as follows :
 - (i) Civil works - Rs. 1 Crore.
 - (ii) Electrical works - Rs. 15 lacs.
 - (iii) Horticultural works - Rs. 2 lacs.
 - (iv) Stores purchase contract - Rs. 2 Crores.
- (n) Information not asked in the format of QPR should be avoided.

4. Documents for Inspection

Based on Quarterly Progress Report received from various Organisations, works are selected for intensive examination keeping the following broad guidelines in view :-

- (a) Complaints received from various sources.
- (b) Works specifically recommended by CVOs for inspection.
- (c) Works under charge of officers of doubtful integrity.
- (d) Works of organisations with substantial work load as compared to others.
- (e) Large contracts.
- (f) Works of organisations which do not have their own Engineering Departments for supervision and quality control.
- (g) Works of organisations which have not inspected at all.
- (h) Works of different nature, such as sewerage, water supply, drainage works etc.

In the large organisations like the DDA, CPWD etc. efforts are made to select works of different divisions and of different contractors. Works of unusual nature are also given due consideration. A proposal for inspection of works is prepared by Technical Examiner from QPRs and submitted to CTE for approval. After the approval of work for inspection by CTE, an intimation is sent to the organisation (CVO of PSUs and CE/EE of Govt. department) requesting for sending a certified copy of the Contract Agreement and a copy of the last bill paid to the contractor along with other details as per standard proformas (Appendix - III & IIIA). A list of records/documents to be kept ready for examination during site inspection is also enclosed in the above proforma.

5. Inspection

The CTE's inspections are mostly done with prior intimation so that the concerned engineers and others may be present at the site to clarify any points. Concerned engineers include the representatives of Planning, Design, tender processing, acceptance of tenders and construction wings. The representative of the contractor, the consultant, if any, and the CVO are also encouraged to be present. The presence of representative of C.V.O. is a must during inspection of work, if the C.V.O. is otherwise busy in other works. While taking samples, representative of contractor, construction team and the C.V.O. are invariably required to be present at the site. The sample will be ultimately handed over to the representative of C.V.O. for sending the same to the laboratory except in important cases where the team of CTEO decides to get the samples tested separately. Required proforma in this regard are enclosed as Appendix IV and V. The inspection is generally conducted in two parts. The first part covers the inspection of the records and documents and the second part covers the physical inspection of the work/material including checking of measurements and quality of material and work, collecting samples of materials for testing wherever possible etc.

6. Intensive Examination Report

After intensive examination of work is carried out by CTE's Organisation, an inspection report is sent to the Chief Vigilance Officer. Intensive examination report broadly covers the following points :

- (a) Preliminary estimate, administrative approval and expenditure sanction, vetting of demands, checking or specification etc. in respect of purchases.
- (b) Detailed estimate, technical sanction.
- (c) Appointment of consultant.
- (d) Call of tenders and award of work.
- (e) Agreement.
- (f) Inspection, despatch and acceptance of materials.
- (g) Scrutiny of bills.
- (h) Scrutiny of site records.
- (i) Site inspection.

The report brings out instances of lapses/irregularities in awarding contracts, defective contract conditions and clauses, over payments made to contractors, execution of substandard work, infructuous and avoidable expenditure etc.

After inspection the CTE might also suggest preventive measures in certain areas as a safeguard against malpractices or corrupt practices and to plug loopholes in the procedures, rules, regulations etc. In such cases, the CVO should arrange to have suitable directions issued by the Chief Executive/head of the department and furnish copies of such directions to the CTE's Organisation. The report is issued by the TE and sent to the Chief Vigilance Officer. A copy of report proforma showing various points which are contained in the report issued by CTE is enclosed (Appendix - IV). Generally, each TE is expected to inspect at least two works in a month. In cases where serious irregularities or negligence are observed, paras are referred directly for detailed investigation to CVO immediately. CVO are expected to conduct the detailed investigation where cases have been referred to them.

It has been clarified by the Commission that CTE's working papers should not be made available for inspection/production during formal departmental inquiries. Since the allegation in a charge sheet is based on the conclusion arrived at by the competent authority after perusing documents/evidence, the CTE's report etc. cannot, by itself, be considered to be a factor which determined the final decision of the competent authority.

7. Reply

After receipt of the IE report, the CVO should obtain comments of various officers at the site of work or in the office at appropriate level, on this inspection report. The comments should include the following.

- (a) A statement regarding correctness of facts stated in the report. If some of the facts are not correct, this should be clearly brought out and at the same time the correct facts, if different from the facts mentioned in the report, should also be indicated.
- (b) A detailed reply for the acts of commission or omission brought out in the report.
- (c) Comments on the explanation received from concerned officers.

Replies to the observations in the IE report should be sent promptly as far as possible and latest within three months from the date of despatch of report. Documentary evidence in support of reply should also be enclosed with reply. A sample proforma for sending reply is enclosed as Appendix VII.

The Chief Vigilance Officers should arrange to have similar and complete examinations done in other cases since the examination done by Chief Technical Examiner's Organisation was only a representative one. He should thereafter act upon the findings of such examination and, where necessary, consult the CTE.

Arrangements should be made to get the defects pointed out in CTE's report removed either by contractor or otherwise (at the risk and cost of contractor) wherever possible.

Minor irregularities brought out in the report should be got regularized by competent authority after ascertaining the reasons for the same and after investigating into the bonafides in each case. Appropriate preventive measures may be taken for future and the defaulters suitably warned so that such irregularities do not reoccur.

The Chief Vigilance Officers should arrange to have recoveries effected in cases where over payments are pointed out in CTE's report and recovery statements should be submitted supported by analysis of rates at which recoveries have been effected. Such recoveries need not be postponed till the payment of final bill. In case, there is any difficulty in making recovery of the full amount of over payment pointed out by CTE's Organisation, the agreed amount of recovery should, at least, be effected from the next bill paid.

In cases where the work is treated as substandard in the CTE's report, the sanction of competent technical authority for accepting such substandard work may be obtained and the rate of payment suitably reduced rate statements, the structural soundness and functional adequacy of substandard work should be established.

In cases where the consultants or contractor or suppliers have put the Organisation or the department to a loss or have done grossly substandard work for which they have claimed full payment, the CTE will point out the need to take action against such as agency. The CVO should take further action and keep the CTE informed about the action taken.

8. Rejoinder

In cases, where the replies to the observations are not satisfactory either clarifications are called for or appropriate further action is advised in the form of rejoinders. Taking into account the replies/clarifications furnished, decision regarding referring serious paras for detailed investigation to the CVO is taken. Such paras are specifically referred to the CVO for conducting necessary vigilance investigation and endorsing a copy to the Secretary, CVC as indicated earlier. The proforma for the rejoinder is given in Appendix - VIII.

9. Vigilance Investigation

All inspections conducted by the CTE's organisation do not automatically give rise to vigilance cases. Cases in which the CTE is in a position to come to a prima facie conclusion that a vigilance case is involved are referred to the CVO to conduct such investigations.

The reference to the CVOs for investigation is made for serious paras immediately after issuing the intensive examination report. In other cases after examining the replies/clarifications to the observations made in the report, a decision is taken about the vigilance angle and appropriate reference to be made to the CVO. The proforma of the reference made to CVO is given in Appendix IX.

Broadly, the following are the main areas for corruption :-

- (a) Invitation of tenders and award of contracts.
- (b) Deviations in quantities of abnormally high or abnormally low rated items.
- (c) Extensions of time without levy of compensation even where contractor was responsible for delay.
- (d) Acceptance of substandard works/ materials.

- (e) Overpayments to and less recoveries from contractors.
- (f) Deviations in contract terms, conditions, specifications etc. favourable to the contractor.

In respect of paras which are specifically referred to the CVO by the CTE for investigation from vigilance angle, the CVOs should treat such a communication as a complaint. The following steps are to be taken by the CVO in this regard :-

- (a) Appoint a reliable and independent engineer to assist the CVO
- (b) Identify and seize the relevant records.
- (c) Scrutinise the records and prepare notes.
- (d) Identify the officials responsible for the lapse.
- (e) Call for explanation from the official identified.
- (f) Prepare the investigation report (IR)
- (g) Submit the I.R. to Secretary, CVC endorsing copy of CTE.

Investigation on the paras referred by the CTE's Organisation, attracting vigilance angle, is required to be done by the CVO. Such investigation is basically a preliminary enquiry, to determine whether prima facie there is some substance in the lapse. Once it is established that there is a prima facie case against the officials responsible for the lapses after obtaining advice of the Commission. Therefore, it becomes all the more necessary to conduct the investigation properly.

The Commission has observed many a time that investigation reports submitted by most of the CVOs are incomplete and sketchy. Two worst reports received by the commission are explained below :

- (i) Two page report consisting of forwarding letter of CVO in one page, and parawise reply to CTE's observation in the second page. The signature of the official, who prepared the reply, was also missing in the second page
- (ii) Photo copy of the reply of the technical officer was forwarded to Secretary, CVC by the lowest rung official in the office of the CVO.

From the above, it can be seen that the vigilance references are handled in a routine and careless manner. To have an effective investigation, a format is prescribed and given in Appendix X. Minimum particulars required under various head of the I.R. are explained below :

- (i) Introduction : The origin and history of the case is dealt with under this head.
- (ii) Lapses Referred by CTE : Original paras and the lapses highlighted in the references are to be mentioned here.
- (iii) Appointment of Independent Engineer : Whenever the CVO has no competent engineer under him, he has to appoint an independent engineer to assist him during investigation. Many CVOs get the investigation conducted by the independent engineer and forward the same to the Secretary, CVC for advice without the comments of CVO. It is not proper. The independent engineer is to assist the CVO in conducting the investigation and prepare the report. These are to be discussed under this head.
- (iv) Identification and seizing documents : After the appointment of independent engineer, the documents relevant to the investigation are to be identified with his assistance. Soon after the documents are identified, those are to be seized and kept under the custody of CVO. All the particulars and action taken in this regard are to be recorded under this head.

- (v) Identification of officials concerned : From the records, the officials associated with the lapses are identified with the assistance of the independent engineer. Scrutiny note of the documents is to be given under this head. The list of records relied upon are to be enclosed as annexure.
- (vi) Explanation of the officials : Explanations of the officials are then called for. The letters calling for explanations and the replies given by them are to be enclosed as annexures. This head discusses the details regarding the above.
- (vii) Investigation Proper : The records, documents and the explanations received from the concerned officials are analysed in this head. Parawise lapses are to be analysed under the following heads :
- (a) Opinion of independent engineer on the explanation submitted by the suspected officials with reference to the lapses and the documents seized.
- (b) Comments of the CVO on the opinion of the independent engineer.
- (c) Conclusion of CVO.
- (viii) Recommendation of CVO : The CVO summarises his conclusions and gives recommendation for initiating disciplinary proceedings etc. against each suspected official indicating the following :
- Name and designation of the official responsible for the lapses.
 - Parawise lapses for which the official is responsible.
 - Disciplinary action proposed such as Major penalty proceedings, minor p.p. etc.
- (ix) Annexures :The annexures to the report can be files, explanation letters etc. indicated in the body of the report.
- (x) Bio data : Bio data of the suspected officials, in the proforma given in Appendix XI, are also to be sent along with the I.R.

10. Commission's Advice

After investigation, the IR should be sent to the Secretary, CVC by the CVO for first stage advice. Even if the CVO comes to the conclusion that no vigilance angle is involved, the matter has to be referred to the Commission for advice as the complaint has emanated from the Commission. The comments on the IR. by the CTEO are submitted to the Commission in the proforma given in appendix XII. The first stage advice is given by the Commission for initiating disciplinary proceedings for major pp, minor pp etc. Certain organisations approach the Commission for reconsideration of its first stage advice after a lapse of two or three years. This act of the organisation amounts to delay in the initiation of disciplinary proceedings probably aimed at bailing out the suspected official. Hence, the reconsideration of the first stage advice should be resorted to only in exceptional cases and in any case not later than three months from the date of issue of the CVC's advice.

The Commission is approached for second stage advice along with the report of the I.O. for finalizing the quantum of punishment (if the charges are proved) or for exoneration of the charged officer (if the charges are not proved) etc. Hence these two advices are to be obtained as expeditiously as possible to avoid the officials responsible for the lapse to escape without punishment before their retirement or leaving the Organisation.

11. Role of CVO

CVO plays a vital role in technical examination of works. With the limited staff available, CTEO cannot inspect all the works of various organisations under the jurisdiction of CVC. Hence, CVO should arrange vigilance inspection of works under his jurisdiction in the pattern of the inspection carried by the team of CTE of CVC. Important functions of CVO in respect of the technical examination of works by CTE are listed below for timely action to enable the organisation to effect immediate recovery from the contractors as well as to avoid the officials responsible for the lapses to escape.

- a) Submission of -
 - (i) QPR
 - (ii) Documents required for technical examination.
 - (iii) Replies to I/E reports/rejoinders.
 - (iv) Investigation Report with the assistance of an independent engineer.

- b) Ensure -
 - (i) Rectification of Defects
 - (ii) Recoveries from the Contractors
 - (iii) Implementation of necessary directions issued by CTEO for preventive measures.
 - (iv) Presence of Engineers responsible for planning, design, tender scrutiny, award of work and construction during inspection.
 - (v) Presence of representatives of CVO during inspection.

- c) Carry out periodical inspection of works with the assistance of the technical staff of CVO in line with CTE's inspection.

- d) Preparation and issue of Works Manual.

- e) Implementation of guidelines/circulars issued by the Commission/CTE.

12. Time Schedule

Instances have come to the notice of the Commission regarding abnormal delays in sending replies to the I.E. Report and Rejoinders of CTE. The I.R. report is also delayed considerably. As a result the officials responsible for the lapses retire/leave the organisation without being penalised for the lapses. Apart from the above, last minutes references come to CVC for advice just before their retirement/leaving the organisation. The final bill of the contractors are finalised without any recovery. These should be avoided in the interest of the Organisation. Hence a time schedule is fixed as shown in Appendix XIII. This has to be adhered to scrupulously by all concerned. If any abnormal delay has occurred, the person responsible for such delay is also liable for action.

Appendix -I

No. 98/VGL/25
Government of India
Central Vigilance Commission
(CTE's Organisation)

Satarkata Bhavan, Block A
4th Floor, GPO Complex,
INA, New Delhi 110 023

Dated : 20th October, 1998

Office Memorandum

**Sub : Examination of works by the Chief Technical Examiners'
Organisation - raising monetary limit for reporting the
works in progress to Chief Technical Examiners.**

1. Please refer to the Commission's O.M. No. 7AA-VGL-10 dated 22.7.1996 requiring submission of quarterly progress reports (QPRs) to the CTE's Organisation in respect of Civil Works costing more than Rs. 70 lakhs, Electrical Works costing more than Rs. 10 lakhs and Horticulture works costing more than Rs. 1 lakh.
2. In view of the rise in the cost indices for construction of building and the related materials, the Commission has been considering to raise the monetary limit of the works to be reported by the Organisations to the CTEs. It has been decided that henceforth all the Organisations may include only those works in the returns to be submitted to the CTE's Organisation whose accepted/tender value exceeds Rs. 1 crore for Civil works, Rs. 15 lakhs for Electrical Works and Rs. 2 lakhs for Horticulture work. The works whose accepted/tendered value is less than these limits need not be included in the returns.
3. While submitting the returns to the CTE's Organisation, the following points may be kept in mind:
 - a) The cost of the work relates to the accepted/tendered value of the work and not the estimated cost.
 - b) If the work has been entrusted by one Ministry/Deptt./Undertaking of the Central Govt. for execution it may be included in the return to be submitted by the executing Organisation.
 - c) The return should be submitted only in the prescribed form circulated vide Commission's letter no. 9U-CRD-51 dated 24.09.1990.
 - d) The location of the work must be indicated.
 - e) Use of abbreviations which are not known to a common man should be avoided.
 - f) Mechanical (including airconditioning), Electronics & Telecommunication engineering works may be treated as "Electrical Works" and marine work and other engineering works may be treated as "Civil Works" for the purpose of reporting to the CTE's Organisation.
 - g) The purchase of ready-built properties, materials and stores, if not purchased on DGS&D approved rates or at the rates approved by any other Govt. agency, may also be treated as works for the purchase of inclusion in the Quarterly Progress Reports. However, the cases in which the supplier is a Central Govt. Department or Central Govt. Undertakings need not be included.
 - h) Some of the Departments have set-up Civil Wings for execution of their Civil works. While each Civil Wings submitted QPRs with regard to the works being executed by them, the other works being executed through the contractors or any other agency are not being reported to the CTE. Such

Appendix - II

No. 98-VGL-25
Government of India
Central Vigilance Commission
(CTE's Orgn)

Block 'A' GPO Complex,
INA, New Delhi-23

Dated 20th July, 2001.

Office Memorandum

Sub : Examination of works by CTE's Organisation for reporting the works in progress to the CTE's Organisation.

Ref : This organisation office memorandum of even number dt. 20.10.98 amended vide office memorandum dt. 18.11.98 and 98-VGL-25(I) dt. 12.03.99.

The revised monetary limit for Civil, Electrical and Horticulture works was intimated vide office memorandum under reference. The revised monetary limit fixed was as under :

- | | | |
|-----|---|----------------|
| (a) | Civil Works | Rs. 1.00 crore |
| (b) | Electrical/Electronics/Mechanical Works | Rs. 15.00 lacs |
| (c) | Horticulture Works | Rs. 2.00 lacs |

It was also intimated vide office memorandum under reference that there is no need to include the details of works costing less than the monetary limit except for those Organisation under which cost of all the works is less than the monetary limits. Such Organisation may furnish the details of two largest works in progress in each discipline. It is observed that certain Organisations are including details of works costing less than the monetary limit. The practice shall be stopped immediately and QPR be furnished as per monetary limits mentioned above. Nil QPRs are also required to be submitted.

QPRs in respect of civil and horticulture works shall be submitted separately in future with a separate forwarding letter to CTE(A) and QPR's pertaining to Electrical/Mechanical (including air conditioning/Electronics and telecommunications works) and Stores purchase contracts above Rs. 2 crores shall be separately addressed to CTE(J), CTEO/CVC for proper monitoring of QPRs.

Sd/-
Niranjan Singh
UNDER SECRETARY

Appendix - III

No.
Government of India
Central Vigilance Commission
(CTE's Organisation)

Satarkata Bhavan, Block-A,
Core-I, GPO Complex,
INA, New Delhi - 110 023.

To,

Sub : Intensive Examination of works.

Ref :

Sir,

1. It has been decided to carry out Intensive Examination of the following works of your Division/ Organisation from _____ to _____

S.No. Name of work & location Agreement No. Name of contractor/Agency

2. To enable the inspection to be carried out properly, you are requested to please arrange to collect and make the following documents available to the undersigned / Asstt. Technical Examiner/ Jr. Technical Examiner as explained below.

- 2.1 PROFORMA FOR GENERAL INFORMATION IN ANNEXURE-I : Item under paras 1 to 1.3 may be filled in and the proforma returned immediately duly signed. In case the administrative set up is different from that indicated in paras 1.2 and 1.3, the information may be furnished as per the set up available in your Organisation.
- 2.2 PROFORMA FOR TECHNICAL INFORMATION IN ANNEXURE - II : This may please be filled in, signed and forwarded immediately along with copies against item No. 2,7,8,9 and 17.
- 2.3 DOCUMENTS FOR INSPECTION AT SITE OFFICE ANNEXURE -III : All these original documents will be examined at site/site office and may please be kept ready after inspection programme is intimated.

3. After intimation of inspection programme, arrangements may please be kept at site for the inspection of different work along with required tools, plants and workmen. You may kindly ensure that all parts of the building/work are made available for inspection.

4. The information in proforma at Annexure I & II is to be furnished on factual basis as per records already available. As such it may please be ensured that requisite information in these proforma is forwarded immediately so as to reach this office within 15 days after issue of this letter. If one or two items are not readily available, submission of entire proforma should not be delayed on that account. The remaining information may follow shortly thereafter.

5. Kindly acknowledge receipt of this communication.

Yours faithfully,

()
TECHNICAL EXAMINER
For Chief Technical Examiner

- Encl/ 1. Annexure I,II,III and
2. Proforma A,B,C,D.

Annexure - I

1.0 Particulars of work

1.1 Name of work :

Agreement No.

Name of Contractor

Estimated cost

Tendered cost

Date of start

Due date of completion

Present progress

1.2 Departmental Authorities

Zone / GM Office

Circle/ Dy. GM Office

Division/ Sr. Mgr., Mgr. Office

Sub Division / Field Unit

1.3 Officials Incharge of work

Chief Engineer/ GM / ED

Superintending Engineer / Dy. GM

Executive Engineer / Mgr / Sr. Mgr.

Asstt. Engineer / Dy. Mgr. / Asstt. Mgr.

Jr. Engineer / Supervisor

Divisional Accountant / Finance Officer

Asstt. Surveyor of Work in Division / Planning Officer in Filed Unit

Surveyor of Works in Circle / Planning

Officer in GM / ED Office

Surveyor of Works in SSW's

Office / Planning Officers in

Corporate Office

Name

Signature

Annexure - II

Technical Information

1. Name of work
2. Agreement No. Please supply copy of agreement
3. Name of contractor
4. Estimated cost
5. Tendered cost
6. (a) Date of commencement
(b) Stipulated date of completion
(c) % progress
7. Ref. memo and date of sanction of project (Please supply copy of memo.)
8. Ref. and date of technical sanction (Please supply copy of sanction)
9. Date of approval of NIT (Please supply copy of letter of approval)
10. Date of publication of NIT in press
11. Date of receipt of tenders :
12. No. of tenders sold
13. No. of tenders received
14. Whether work awarded to lowest tenderer
15. Whether market rate justification available on record
16. Works Manual adopted
17. S.No. and date of last running bill paid (Please supply copy of bill with encl)
18. Whether AHR / ALR items identified
19. **No. of Statements** **Extra item** **Substituted item** **Deduction item**
 - (a) Sanctioned :
 - (b) Proposed :
20. **Test check carried out upto last RA bill** **prescribed** **Actual**

% test check by AE / Dy. Mgr., Asstt. Mgr. :

% test check by EE / Mgr., Sr. Mgr. :

% test check by SE / Dy. GM :

Name
Signatures.

Annexure III

Documents for Inspection at Site Office

- 1 (a) Press cuttings, including extended dates, if any.
 - (i) For pre-qualification of Architects/Consultants.
 - (ii) For pre-qualification of Contractors.
 - (iii) Call of tenders.
- (b) Register of sale of tenders.
- (c) Register of opening of tenders.
2. File giving reference to Financial Sanction and approval of competent administrative authority-Preliminary estimate.
3. copy of detailed estimate and its Technical sanction by competent technical authority
4. Approval of NIT (Notice inviting tenders) in original
5. Rejected tenders and comparative statements for:
 - (a) Selection of architects/consultants
 - (b) Short listing or prequalification of tenders.
 - (c) Other tenders.
6. Justification statement and corresponding notings in support of tenders/offer accepted.
7. Details of negotiations, if any, made before acceptance of tenders.
8. Original contract with consultant/contractor.
9. Guarantee Bond etc. towards security for work, machinery/mobilization advance etc. including extension of validity.
10. Insurance policies for work, materials equipment, men etc. including extension of validity.
11. Guarantee for water tightness, termite proofing etc.
12. Standard specifications.
13. Standard schedule of rates
14. Drawings- Architectural, Structural and Services
15. All connected measurement book, level books field books and lead charts.
16. All running account bills with all connected statements/vouchers.
17. Statements showing details of check of measurement by superior officers-copies of order laying down such requirements.
18. Materials at site accounts/cement, steel bitumen, paints, water proofing compound, pig lead, anti termite chemical etc.
19. Site order book/test records/log books.
20. Details of extra/substituted items and of deviated quantities being executed/considered for execution in the work along with analysis of rates.

21. Hindrance register.
22. Office, correspondence files and inspection notes, if any, issued by inspecting officer.
23. Complaint records, if any.
24. Any other documents relevant to the works.
25. Details of payments in proforma 'A'
26. Cement consumption statement in proforma 'B'
27. Steel consumption statement in proforma 'C'
28. Statement of Tests of Materials in proforma 'D'

Details of Payments

Proforma 'A'

S. No. of bill	CR No. date	Account Payable				Total	Cheque amount	Details of disbursement and recoveries				
		On A/c payment	Adv. payment	Secured advance	Mobilisation advance			Adv. I/Tax	Cost of Material	Secured Adv.	Mob. Adv.	Deposit

Name
Signature

PROFORMA 'B'

CEMENT CONSUMPTION STATEMENT FOR LAST BILL PAID (S.No).

Last date of measurements	Theoretically required	Actually consumed	Recovered	Remarks

PROFORMA 'C'**DETAILS OF STEEL REINFORCEMENT FOR LAST (S.No.) BILL PAID**

TOR STEEL

Diameter in mm 8 10 12 16 20 22 25 28 32 36 40 42

Quantity issued

By Deptt. (MT)

Quantity measured

for payment (MT)

Quantity recovered

from bill (MT)

Notes :

1. If mild steel reinforcement is used, information may be furnished in same proforma as for TOR Steel.
2. If structural steel is used, information may be furnished in similar proforma for various sections instead of various diameters.

Name**Signature****PROFORMA 'D'****STATEMENT OF TESTS OF MATERIALS**

S. No.	Desc. of Materials	Qty consumed till date	Desc. of tests as per BIS / Agreement provisions	Frequency of test as per BIS / Agreement	No. of tests		Lab where test conducted	Whether lab approved by govt.	Status of tests results (pass/fail)	If failed, what action taken	Whether testing charges borne by deptt/agency (Ref. to agreement provisions)	Recovery proposed for shortfall in tests/failed result
					Required	Conducted						
1	2	3	4	5	6	7	8	9	10	11	12	13

Sd/-
Engineer-in-charge

Sd/-
Chief Vigilance Officer

Appendix-IIIA

Confidential

No.
Government of India
Central Vigilance Commission
(CTE's Organisation)

Satarkata Bhavan,
Core-I, GPO Complex,
INA, New Delhi - 110 023.

To,

Sub : Intensive Examination of Stores/Purchase Contracts.

Ref : Your letter No.

Sir,

It has been decided to carry out Intensive Examination of the "Stores procurement and Inventory" against the following contracts of your Organisation.

<u>S.No.</u>	<u>Contract No.</u>	<u>Description of Stores</u>	<u>Value</u>
--------------	---------------------	------------------------------	--------------

2. To enable the inspection to be carried out properly, you are requested to please arrange to collect and make the following documents available to the undersigned / Asstt. Technical Examiner/ Jr. Technical Examiner:

2.1 PROFORMA FOR GENERAL INFORMATION (ANNEXURE-I)

The details may please be filled in and the proforma returned immediately duly signed alongwith the following documents:

- Photocopy of the Notesheet portion of the complete purchase file comprising of all details beginning from initiation of procurement till placement of contract including Comparative/Ranking statement of bids, briefs and minutes of various T.P.C. and negotiation meetings.
- Photocopy of notesheets of post contract portion of purchase file.
- One arrested true copy of each contract/agreement and the suppliers quotation.
- Photocopies of the bills paid till date.

2.2. Documents for inspection at site office (Annexure II)

All these original documents will be examined at your office and may please be kept ready after inspection programme is intimated.

3. After intimation of inspection programme, arrangements may please be kept at warehouse/godown for the inspection of inventory. You may kindly ensure that all the document like receipt and issue of Stores register are made available for inspection.

4. The documents and information as per para 2.1 above may please be forwarded immediately so as to reach this office within 15 days after the issue of this letter. If one or two items are not readily available, submission of the entire proforma should not be delayed on that account. The remaining information may follow shortly, thereafter.

6. Kindly acknowledge receipt of this communication.

Yours faithfully,
()

**TECHNICAL EXAMINER
For Chief Technical Examiner**

Encl: 1. Annexure I & II
2. Proforma A

Annexure I

A. Departmental Authorities

1. Ministry
2. Department/Organisation
3. Directorate/Section handling the Purchase
4. Officials dealing with the Purchase

B. Contract/Tender Information

Contract details

1. Contract No.
2. Description of Store/Purchase
3. Name of Supplier/Agency
4. Estimate Cost
5. Value of Contract
6. Delivery period stipulated in contract
7. Inspection Authority
8. Present position of supply
9. Present position of payments

C. Tender Details

1. Mode of Tender Enquiry
2. Date of issue of N.I.T./Tender Enquiry
3. Date of Publication of N.I.T.
4. Whether the Tender Documents were approved.
5. Date of receipt of Tenders
6. Nos. of Tenders sold
7. Nos. of Tenders received
8. Whether contract awarded to lowest tenderer.
9. Whether negotiations conducted.

Annexure II : Documents for Inspection at site office

1. File giving reference to Financial Sanction and approval of competent administrative authority for provisioning of stores.
2. Details of calculating the estimated value
3. Press cutting of NIT including extended dates, if any
 - a. For pre-qualification of Bidder
 - b. Call of Regular tenders
4. Register of sale of Tenders
5. Register of receipt of Tenders
6. Approval of Tender Document
7. Rejected tenders and comparative statement for
 - a. Shortlisting of pre-qualification of Bidders.
 - b. Regular Tenders
8. Original file with complete noting and correspondence portion from initiation of procurement till placement of contract and completion of supplies.
9. Original contact with supplier
10. Guarantee Bond etc. towards security deposit/performance security
11. Insurance policy if applicable
12. Letter of credit in original
13. Inspection notes issued by the Inspecting officer and their file
14. Bills paid in "original" with complete enclosures.
15. Stock/Issue Register of stores
16. Complaint records, if any.
17. Details of payment in proforma 'A' (Refer Appendix III)

Appendix - IV

No.
Government of India
Central Vigilance Commission
(CTE's Organisation)

Satarkata Bhavan, Block - A,
GPO Complex,
INA, New Delhi - 110 023.

Name of work :
Agreement No. :
Name of the Organisation:

Sub : Testing Samples of Building Materials.

Following samples were collected from site of work on _____

In presence of _____

Code No.	Description of Materials	Location	Details of tests to be conducted	Ref. of I.S. Code/Specifications as per contract agreement
1	2	3	4	5

The above samples have been sealed with the Commission's seal, the three impressions of which are as under :

1.

2.

3.

**Sd/-
Name
Engineer-in-charge**

**Sd/-
Name
Representative of CVO**

**Sd/-
Name
TE/CVC**

Received above samples for delivery and testing to _____

Rep. of CVO _____

Seal

**GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMISSION**

**Intensive Examination
Report**

By

CHIEF TECHNICAL EXAMINERS ORGANISATION

Intensive Examination Report

Name of the Organisation :

Name of the work :

Location :

Tendered Amount :

Period of Inspection :

By

Shri.

Technical Examiner

Central Vigilance Commission
Satarkata Bhawan,
Block 'A', G.P.O. Complex, I.N.A.,
New Delhi - 110023

1. Particulars of Work

1.1 Name of work

Agreement No.:

Name of the Contractor:

Estimated cost :

Tendered cost :

Date of start of work :

Stipulated date of Completion of work as per agreement :

Present Progress :

1.2 Departmental authorities

Zone /GM Office :

Circle / Dy. GM Office :

Division / Sr. Mgr., Mgr. Office :

Sub-Division / Field Unit :

1.3 Officials in charge of work

Chief Engineer / GM / ED :

Superintending Engineer / Dy. GM :

Executive Engineer / Mgr. / Sr. Mgr. :

Assistant Engineer / Dy. Mgr. / Asstt. Mgr. :

Junior Engineer / Supervisor :

Divisional Accountant / Finance Officer :

Asstt. Surveyor of works in Division / Planning officer in field unit :

Surveyor of works in Circle / Planning :

SSW / SW in Zone / Officer in GM / ED office :

2. Scope of Work

3. Administrative Approval & Expenditure Sanction

3.1 Facts in brief

3.2 Observations

3.2.1 Observations 1

3.2.2 Observations 2

4. Consultancy

4.1 Appointment

4.1.1 Facts in brief

4.1.2 Observations

4.1.2.1

4.1.2.2

4.2 Contract Document

4.2.1 Facts in brief

4.2.2 Observations

4.2.2.1

4.2.2.2

4.3 Payments

4.3.1 Facts in brief

4.3.2 Observations

4.3.2.1

4.3.2.2

5. Detailed Estimate & Technical Sanction

5.1 Facts in brief

5.2 Observations

5.2.1

5.2.2

6. Design & Drawing

6.1 Architectural

6.1.1 Facts in brief

6.1.2 Observations

6.1.2.1

6.1.2.2

6.2 Structural

6.2.1 Facts in brief

6.2.2 Observations

6.2.2.1

6.2.2.2

6.3 Services

6.3.1 Facts in brief

6.3.2 Observations

6.3.2.1

6.3.2.2

7. Tender Documents

7.1 Facts in brief

7.2 Observations

7.2.1

7.2.2

8. Pre qualification

8.1 Facts in brief

8.2 Observations

8.2.1

8.2.2

9. Inviting and Opening of Tenders

9.1 Facts in brief

9.2 Observations

9.2.1

9.2.2

10. Tender Scrutiny & Award of Work

10.1 Facts in brief

10.2 Observations

10.2.1

10.2.2

11. Contract Document

11.1 Facts in brief

11.2 Observations

11.2.1

11.2.2

12. Payment to Contractors

12.1 Facts in brief

12.2 Observations

12.2.1

12.2.2

13. Records

13.1 General Records

- 13.1.1 Facts
- 13.1.2 Observations
 - 13.3.2.1
 - 13.1.2.2

13.2 Site Records

- 13.2.1 Facts in briefs
- 13.2.2 Observations
 - 13.2.2.1
 - 13.2.2.2

14 Site Inspection

14.1 Facts in brief

14.2 Observations

- 14.2.1
- 14.2.2

15 Sample Collection

15.1 Facts in brief

15.2 Observations

- 15.2.1
- 15.2.2

16. Arbitration Cases

16.1 Facts in brief

16.2 Observations

17. Miscellaneous

17.1 Facts in brief

17.2 Observations

Sd/-

Technical Examiner ()
For Chief Technical Examiner

Appendix - VII

First Reply to Paras

S. No.	Para No.	CTE Observations	Reply of Technical Authority		CVO's comments
			Reply	Cost adjustment proposal	

Sd/-

**Name and Designation of
Technical Authority**

Sd/-

CVO

Appendix - VIII

Reply to Rejoinders

S. No.	Para No.	Rejoinder	Reply of Technical Authority		CVO's comments
			Reply	Cost adjustment proposal	

Sd/-

**Name and Designation of
Technical Authority**

Sd/-

CVO

Appendix - IX

No.
Government of India
Central Vigilance Commission
(CTE's Organisation)

Satarkata Bhavan,
Block-A, Core-I, GPO Complex,
INA, New Delhi - 110 023.

Shri
Chief Vigilance Officer

Sub :

Sir,

The above work was technically examined from _____ to _____ by a team of this Commission and a Report was sent to the Chief Vigilance Officer, _____ vide our letter of even number dtd. _____. Para _____ of the said report is being referred to you for a detailed vigilance investigation. It is requested that the detailed investigation report may be submitted directly to the Secretary, Central Vigilance Commission, Satarkata Bhavan, Block A, GPO Complex, INA, New Delhi 110 023 under intimation to this office within a period of 3 months.

For the purpose of investigation, you may please refer to the instructions contained in para 4.8 of CVC's OM No. 7R-CRD-37 dtd. 19.8.1987 and OM No. 3(v)/99/12 dtd. 14.8.2000. You may get an independent and reliable engineer appointed to assist you in identifying and seizing the relevant records, preparing scrutiny notes thereon, fixing responsibilities, calling for the explanations of the indicated officials and preparing scrutiny notes on the validity of the explanations received. The report may conclude with your considered comments and recommendations in respect of each lapse referred to you for investigation. All the above notes and explanations may be included in the investigation report. In brief, the lapses are given in Appendix-I enclosed

Kindly acknowledge receipt of this reference.

Yours faithfully,

()
CHIEF TECHNICAL EXAMINER

Copy forwarded to :

1. The Secretary, CVC, Satarkata Bhavan, New Delhi 23, for information. The Director is requested to get a file opened in H.O. to watch the receipt of the Investigation Report. The file No. of the case opened may please be intimated for record in this Unit.

3. US, CTE's Orgn. for recording in the Vigilance Register.

()
CHIEF TECHNICAL EXAMINER

Confidential

No. 7R CRD 37

Government of India
Central Vigilance Commission

No.3, Dr. Rajendra Prasad Road,
New Delhi, the 19th August 1987

Office Memorandum

Sub : Examination of works by Chief Technical Examiner's Organisation in CVC- Role of CVOs vis-a`-vis CTEs.

The Chief Technical Examiner's Organisation was created in 1957 in the then Ministry of works housing and Supply for looking into the works being executed by the Central Public Works Department. With the creation of the Central Vigilance Commission, the administrative control of this Organisation was transferred to the Commission on 01.11.1964. The jurisdiction of this organisation is co-terminus with that of the Central Vigilance Commission. As such the works of all the Departments of the Government of India and all Union Territories as well as the Central Public Sector Undertakings under their control can be examined by this organisation.

2. Though the CTE's organisation can examine original or repair works of any magnitude, yet considering its own limited resources it generally examines works of a larger size only. For this purpose, all the Chief Vigilance Officers of the departments of the Govt. of India, Union Territories, Central Public Sector Undertakings, Other autonomous and similar bodies are required to furnish to CVC Quarterly Returns, as per Commission's letter No. 1K VGL 1 dated 22.01.1981 in respect of civil works costing more than 15 lakhs, Electrical works costing more than 1 lakh and Horticulture works costing more than Rs. 25000 for the quarters ending March, June, September and December by the 15th day of the month following the quarter. The Chief Vigilance Officers should, therefore, ensure that such returns are furnished to the CTE's by the stipulated dates. There may be occasions when the Chief Vigilance Officers might come to know from their own sources about the alleged serious irregularities committed by certain public servants in the works. They are, therefore, free to recommend to CTE, while submitting the reports, examination of a particular work mainly from a vigilance angle.

3. Out of the returns furnished by the CVOs, the Chief Technical Examiners select certain works for intensive examination and intimate these to the CVOs concerned for arranging necessary records, such as certified true copies of the contract documents and of latest running account bills paid to the contractors etc. When the programme of actual intensive examination of works is finalized by the CTE, intimation is given by the CTE to CVO who is expected to make available all relevant documents and such other records as may be necessary, to the CTE's team examining the works.

4. Action to be taken on CTE's Reports

4.1 After intensive examination of work is carried out by CTE's organisation, an inspection report is sent to the Chief Vigilance Officer. The CVO should obtain comments of various officers at the site of work or in the office at appropriate level, on this inspection report. The comments should include.

- a) A statement regarding correctness of facts stated in the report. If some of the facts are not correct, this should be clearly brought out and at the same time the correct facts, if different from the facts mentioned in the report should also be indicated.
- b) A detailed justification for the acts of commission or omission brought out in the report.
- c) His own comments on the explanations received from concerned technical officers.

4.2 Replies to the observations and rejoinders of the CTE Organisation should be sent promptly as far as possible within three months from the date of dispatch of report/rejoinder.

4.3 The Chief Vigilance Officers should arrange to have similar and complete examinations done in cases where the examination done by Chief Technical Examiner's Organisation was only a representative one. He should thereafter act upon the findings of such examination and where necessary consult the CTE.

4.4. Arrangements should be made to get the defects pointed out in CTE's report, removed either by contractor or otherwise (at the risk and cost of contractor, wherever possible).

4.5 Minor irregularities brought out in the report should be got regularized by competent authority after ascertaining the reasons for the same and after investigating into the bonafides in each case. Appropriate preventive measures may be taken for future and the defaulters suitably warned so that such irregularities do not reoccur.

4.6 The Chief Vigilance Officers should arrange to have recoveries effected in cases where over payments are pointed out in CTE's report and recovery statements should be submitted supported by analysis of rates at which recoveries have been effected. Such recoveries need not be postponed till the payment of final bill. In case, there is any difficulty in making recovery of the full amount of over payment pointed out by CTE's organisation, the agreed amount of recovery should, at least, be effected from the next bill paid.

4.7 In cases where the work is treated as substandard in the CTE's report, the sanction of competent technical authority for accepting such substandard work may be obtained and the rate of payment suitably reduced. Before sanctioning such reduced rate statements, the structural soundness and functional adequacy of the sub-standard work should be established.

4.8 In respect of the paras which are specifically referred to the CVO by the CTE for investigation from a vigilance angle, the CVO should treat such a communication as a complaint. For the purpose of investigation, the CVO should get in independent and reliable engineer appointed to assist him in identifying and seizing the relevant records, preparing scrutiny notes thereon, fixing responsibilities, drafting memos, calling for explanations of the indicated officials and preparing scrutiny notes on the explanations received. Each lapse should be dealt with separately. After investigation, the case should be referred to the Commission for advice along with a self contained note and other relevant documents, as per para 5.13 chapter I of Vigilance Manual Vo. I (Copy enclosed). Even if the CVO comes to the conclusion that no vigilance angle is involved, the matter has to be referred to the Commission for advice as the complaint has emanated from the Commission itself.

4.9. The CTE might suggest preventive measures in certain areas as a safeguard against malpractices or corrupt practices and to plug loopholes in the procedures, rules, regulations, etc. In such cases, CVO should arrange to have suitable directions issued by the Chief Executive/Head of the Department and furnish copies of such directions to the CTE's Organisation.

4.10 In cases where the consultants or contractor or suppliers have put the Organisation or the department to a loss or have done grossly substandard work for which they have claimed full payment, the CTE will point out the need to take action against such an agency. The CVO should manage to take further action and keep the CTE informed about the action taken.

4.11 If a particular undertaking or the department does not have a works Manual of its own, the CVO should take steps to have such a Manual prepared expeditiously to bring out clearly the financial powers delegated at various levels and the rules and guidelines for exercising such powers by various officers. Whenever any such Manual is brought out, a copy of the same should be furnished to the CTE's Organisation indicating the date from which the provisions of the Manual will be effective. Until such a Manual is brought out, the Organisation may consider adopting Works Manual of an established Engineering Organisation like the MES, CPWD, NBCC etc.

4.12 The CVO may consider obtaining assistance of technical officers from the concerned discipline on a long term or permanent basis, for conducting detailed investigations and follow up action.

4.13 The receipt of this circular may please be acknowledged.

Sd/-
(K.L. Malhotra)
Officer on Special Duty

Extract from para 5.13 Chapter I of Vigilance Manual Volume I

5.13 Communications meant for the Commission should ordinarily be sent to the Secretary, Central Vigilance Commission by designation. If the communication is of a confidential nature or as in connection with an old reference, this should be addressed to the concerned officer of the Commission by name. While referring cases to the Commission, a self contained note should be sent to the Commission clearly mentioning the facts of the case and the specific point(s) on which Commission's advice is sought for. The self contained note is meant to supplement and not to substitute the sending of the files and records. All relevant documents/files of the case should be sent along with self contained note. The note should invariably be accompanied by information relating to the officer involved in the case in the prescribed proforma (E-43) (Appendix-XI)

No. 3(v)/99/12
Government of India
Central Vigilance Commission

Satarkata Bhavan, Block 'A'
GPO Complex, INA
New Delhi 110 023
Dated the 14th August 2000

Sub : Appointment of consultants in Vigilance Departments.

It was stated in the Department of Personnel and Training's OM No. 371/32/97-AVD-III dated 28.11.1997 that contrary to the instructions governing appointment of CVOs, such functions as are to be performed strictly by the CVOs or vigilance set-ups in the Ministries/Departments were assigned to outsiders engaged as consultants. It was clarified that consultants are not appointed against any regular post and therefore, their engagement itself for sensitive functions of vigilance and discipline was against the spirit of the scheme of 'vigilance and discipline.'

2. The appointments against the posts of CVOs are made with the prior approval of the Commission. The Commission, therefore, takes care of the situation that no organisation appoints a consultants to perform the functions of a CVO. It has, however, been observed by the Commission that some of the organizations have appointed retired officers as consultants in the vigilance/personnel departments to perform vigilance functions, in the capacities of other than the CVO.

3. A person, who is not a full-time employee of the Government/public sector enterprise etc. may be amenable to influence. There is also a possibility that the retired officers, appointed as consultants, may provide a convenient legal cover for going easy on corrupt practices, as they may be financially obliged to the Management. It is also difficult to make them accountable for the misconduct committed by them. Therefore, the Commission in exercise of the powers conferred upon it, vide para 3(v) of the Government of India's Resolution No. 371/20/99-AVD.III dated 04-04.1999, directs that the vigilance functionaries should always be full-time employees of the organisation and in no case a retired employee should be appointed as a consultant to perform vigilance functions. If there is not sufficient vigilance work for a full time functionary in the organisation, the organisation may entrust him some other work in addition to vigilance work.

4. The above instructions may please be followed strictly. For any violation of the above instructions, the CVO and the Chief executive of the concerned organisation may be held responsible.

5. This order is available on the CVC's website <http://cvc.nic.in>.

Sd/-

(N. Vittal)

CENTRAL VIGILANCE COMMISSION

To

- (i) The Secretaries of all Ministries/Departments of Government of India
- (ii) The Chief Secretaries to all Union Territories
- (iii) The Comptroller & Auditor General of India
- (iv) The Chairman, Union Public Service Commission
- (v) Chief Executive of all Public Sector Undertakings/Banks/Auto-nomous organisations etc.
- (vi) All Chief Vigilance Officers in the Ministries/Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies.
- (vii) President's Secretariat/Vice President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO/CBI
- (viii) The NGOs/Institutes/Service Associations (appearing in the Commission's Mailing list)

Appendix -X

Format for Investigation Report

1. Introduction
2. Paras & Lapses as referred by CTE
3. Appointment of Independent Engineer
4. Identification & Seizing documents
5. Identification of officials connected
6. Explanation of the officials connected
7. Investigation proper
 - 7.1 First para
 - 7.1.1 Opinion of independent Engineer
 - 7.1.2 Comments of CVO
 - 7.1.3 Conclusion of CVO
 - 7.2 Second para and so on
8. Recommendation of CVO
 - 8.1 First official (Name & Designation)
 - 8.1.1 Lapses
 - 8.1.2 Disciplinary action proposed
(whether major p.p. or minor p.p. etc.)
 - 8.2 Second official and so on.

Annexure

- I. Bio data of officials responsible for lapses.
- II. Onwards
Records, documents etc. relied upon in the report.

Appendix-XI

Proforma for Bio-Data

1. Name of Officer :
2. Father's/Husband's Name :
3. Service to which belongs :
(Also please mention the cadre and year of allotment in case of officers of All India Services)
4. Date of Birth :
5. Date of superannuation :
6. Date of suspension (in the case of the officer under suspension)
7. Post held :
 - (a) Designation :
 - (b) Level in the organizational hierarchy :
 - (c) Scale of pay :
 - (d) Present pay :
 - (e) Date from which the pay shown against item (d) is drawn :
8. Date of next increment :
9. Date of joining present service :
10. Whether borrowed from State Govt. or any other authority :
11. Period connected with the execution of this work :
12. Whether disciplinary rules are applicable to him/her :
13. Previous complaints, if any, against the officer and the results of the inquiry in to that :
14. Remarks about integrity in ACR :
15.
 - (a) Brief particulars of similar cases, if any, in the Ministry/organisation in which the same or other officer(s) may have indulged in similar practices :
 - (b) If so, steps taken to prevent recurrences of such practices :
16. Present Residential Address :
17. Incumbency details (last 10 years) :
18. Present Posting :

Signature of CVO

Appendix – XII

Comments of the CTEI on I.R.

CTEO File no.

Commission's File No.

1. Facts in Brief :
2. Parawise comments
 - 2.1 Para A
 - 2.1.1 Para
 - 2.1.2 CVO's recommendations
 - 2.1.3 CTEO Comments
 - 2.2 Para B
 - 2.2.1 Para
 - 2.2.2 CVO's recommendations
 - 2.2.3 CTEO Comments

CTE

**Sd/-
T.E.**

Director

**Sd/-
C.T.E.**

Appendix – XIII

Time Schedule

1. **Submission of documents by CVO** 30 days from the date of issue of letter of CTEO.
2. **Issue of I.E. Report by CTEO** 30 days from the date of inspection.
3. **First reply by CVO to I/E Paras** 90 days (max) from date of issue of I/E report.
4. **Rejoinder to CVO's reply** 30 days from the date of reply.
5. **Reply to CTEO's rejoinder by CVO** 45 days from the date of issue of rejoinder.
6. **Vigilance reference by CTEO**
 - i) At the time of issue of I/E report for serious paras.
 - ii) At the time of issue of first rejoinder for other paras, if found serious.
 - iii) 6 months from the date of issue of IE report in case no reply received from CVO for all paras.
7. **Submission of I.R. by CVO** 3 months from the date of issue of the ref. by CTE.