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Confidential

No.99/VG/87
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated the 30th September, 2005

Office Order No.52/08/05

Subject:- Prosecution and Departmental Action.

The Commission vide para 4.3 of the Vigilance Manual 2004, regarding parallel investigation by Departmental Vigilance Agency and the CBI, had directed that once the case has been referred to and taken up by the CBI for investigation, further internal investigation should be avoided.

2. Accordingly, the Commission has been generally advising that organisations need not proceed with the RDA independently if the CBI is undertaking investigation of the issues involved. The intention is that the CBI investigation being statutory and more professional and thorough will bring out all the aspects of the matter and identify all the officials involved in the matter. The CBI report contains recommendation on both criminal action for prosecution as also departmental action for major or minor penalty as the case may be. The Commission feels that the DAs should await such final recommendations before proceeding with RDA so that no officer can escape punitive action and no situation should arise wherein an officer on prima facie material undergoes action for minor penalty etc. and later on CBI bring out facts which would justify for major penalty. **In other words, in cases where the matter is yet to be investigated, CVOs should not undertake parallel investigation when the local police or the CBI are seized of the matter.**

3. There are cases especially in banks where thorough investigation of the case has already taken place and action against the officials through RDA clearly identified. The matter is referred to CBI because it is felt that the officials involved should also undergo action under the P.C. Act etc. **In such cases, since the officials involved and the role have already been established, there is no difficulty in going ahead with parallel RDA** especially considering that action under the P.C. Act is usually protracted and it will be desirable to deal with COs under the Conduct Rules for quick punitive action without waiting for the outcome of the criminal prosecution. Consultations with CBI in such cases, however, is desirable as regards the timing of action under the RDA.

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4. All the CVOs should appreciate this spirit of the Commission's instructions and analyse each case on this basis.



(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers

AVD-III, DOPT

JD (Policy), CBI