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GOVERNMENT MEDICAL COLLEGE & HOSPITAL, CHANDIGARH  
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(ESTABLISHMENT BRANCH-IV)

26 FEB 2019


Endst. No.: GMCH/EIV/EA3/ 019,

8268

Dated, Chandigarh the,

A copy of letter No. 366/Misc-CVO-2019/2450 dated 11.02.2019 titled Simultaneous action of prosecution and initiation of departmental proceedings-guidance thereof received from the Vigilance department, Chandigarh Administration is forwarded to the followings for information and which is self explanatory for necessary action and strict compliance, please:-

1. The Office Superintendent (Estt. I, II, III, HA-I, HA-II), GMCH, Chandigarh.
2. The System Analyst, IT Centre, GMCH with a request to e-circulate/email the same to all the HODs/Branch Incharges of GMCH Chandigarh.

  
Superintendent (Estt.-IV)  
GMCH-32, Chandigarh.

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22/02/2019

3878

# CHANDIGARH ADMINISTRATION VIGILANCE DEPARTMENT

13 FEB 2019

Room No.409, 4<sup>th</sup> floor, Delhi Building, U.T. Secretariat, Sector-9 D, Chandigarh-160009  
Telephone No. 0172-243410 Email : vigilancedept.chd@nic.in

No.366/Misc-CVO-2019/2450

Dated : 11/2/19 ✓ JDA

To

All the Administrative Secretaries,  
Head of Departments/Boards/Corporations,  
Chandigarh Administration.

22/2/19  
EA 3

Urgent  
OS (E-IV)

SL  
21/2/19

Subject: Simultaneous action of prosecution and initiation of departmental proceedings – guidance thereof.

Please find enclosed herewith a copy of Circular No.08/07/2018 issued by the Central Vigilance Commission, New Delhi vide their letter No.99/VGL/087-389176 dated 31.07.2018 for strict compliance.

Sharma  
07/2/19

Superintendent (Vigilance),  
for Adviser to the Administrator-cum-CVO,  
Chandigarh Administration.

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023  
Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi-110023

सं./No. 99/VGL/087-389176

दिनांक / Date 8<sup>th</sup> July 2018

POLICE / VIGILANCE BRANCH

694) Date 3/12/17

Circular No.08/07/2018

Subject: Simultaneous action of prosecution and initiation of departmental proceedings – guidance thereof.

As per judgements of the Hon'ble Supreme Court and guidelines of Department of Personnel & Training issued thereon, it has been reaffirmed that there is no bar in conducting simultaneous criminal and departmental proceedings. Attention is invited to the Department of Personnel & Training O.M. No.11012/6/2007-Estt.(A-III) dated 1<sup>st</sup> August, 2007 and 21<sup>st</sup> July 2016 in this regard.

2. The Commission while examining the disciplinary cases referred to it for advice has noticed that in cases where simultaneous action of prosecution and initiation of departmental proceedings are advised, the departmental proceedings are unduly delayed by Department/Organisations by keeping them in abeyance on the ground that the matter is under trial in the Court. Such an approach in finalizing disciplinary matters is a matter of serious concern and is also not a correct approach.

3. The Disciplinary Authority has been vested with the powers to carry out its statutory duty / obligations by initiation of appropriate departmental actions. This is as much to ensure that a delinquent public servant does not get undue benefit either by the long pendency of court proceedings or by the higher standard of proof required as it is to protect innocent public servant from vexatious proceedings. It is not open to the Disciplinary Authorities to await the outcome or decision of investigating / prosecuting agency or the Court trial.

4. The Commission would like to clarify that Disciplinary Authorities are vested with responsibility to ensure that employees under their control, against whom criminal trial is pending are proceeded against forthwith for simultaneous departmental proceedings. Further, a view as to whether simultaneous disciplinary proceedings are to be initiated need to be invariably taken by the Competent Authorities at the time of considering the request for grant of sanction for prosecution.

Mr  
5-2-19

22/11/18  
RK-V

itself. However, the Disciplinary Authority may withhold departmental proceedings only in exceptional cases wherein the charge in the criminal trial is of grave nature which involves questions of fact and law. In other words, in complex matters where, in case it is not possible to delineate the misconduct for the purpose of RDA. If the charge in the criminal case is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case. Further even if stayed at one stage, the decision may require reconsideration, if the criminal case gets unduly delayed. It may be noteworthy to mention that the Hon'ble Supreme Court in State of Rajasthan vs. B.K.Meena & Ors. (1996) 6 SCC 417 emphasised the need for initiating departmental proceedings and stated as below:

"It must be remembered that interests of administration demand that the undesirable elements are thrown out and any charge of misdemeanor is enquired into promptly. The disciplinary proceedings are meant not really to punish the guilty but to keep the administrative machinery unsullied by getting rid of bad elements. The interest of the delinquent officer also lies in a prompt conclusion of the disciplinary proceedings. If he is not guilty of the charges, his honour should be vindicated at the earliest possible moment and if he is guilty, he should be dealt with promptly according to law. It is not also in the interest of administration that persons accused of serious misdemeanor should be continued in office indefinitely, i.e., for long periods awaiting the result of criminal proceedings."

5. The Commission would, therefore, advise all concerned Administrative Authorities that in cases where it is appropriate to initiate disciplinary proceedings along with criminal prosecution, the disciplinary proceedings must be initiated simultaneously.

6. All Ministries/Departments/Organisations may apprise the above guidelines to the concerned officers for compliance in cases of simultaneous proceedings.

  
(M.A. Khan)

Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of Govt.
- (ii) All Chief Executives of CPSUs/PSBs/FIs/PSICs/Autonomous Bodies/etc.
- (iii) All CEOs of Ministries/Departments/CPSUs/PSBs/FIs/PSICs/Autonomous Organisations.
- (iv) Website of CVC