

GOVERNMENT MEDICAL COLLEGE & HOSPITAL, CHANDIGARH

*(Hospital Building), Sector 32-B, Chandigarh-160030 (Ph:0172-2665253-59, Fax: 0172-2608488)*  
(ESTABLISHMENT BRANCH-IV)

Endst. No.: GMCH/EIV/EA3/2019/

27

2 MAY 2019


Dated, Chandigarh the,

A copy of letter No. 626/F-II(GMSH)/2019/6763 dated 23.04.2019 titled "Simultaneous action of prosecution and initiation of departmental proceedings-guidance thereof" received from the Principal Secretary Health, Chandigarh Administration is forwarded to the followings for taking necessary action in the matter, please:-

1. The Office Superintendents (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.

Encl. As above.

  
Superintendent (Estt.-IV)

15/5/19

1412  
29/3/2019  
443

From

The Principal Secretary Health,  
Chandigarh Administration.

To

1. The Director Principal,  
Govt. Medical College & Hospital,  
Sec. 32, Chandigarh.
2. The Director Health & Family Welfare,  
Chandigarh Administration.

No. 626/F-II(GMSH)/2019/ 6763  
Dated, Chandigarh the 28/4/19

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

Enclosed please find herewith a copy of letter No. 366/Misc-CVO-

2019/2450 dated 11-2-2019 with its enclosures received from Superintendentn (Vigilance), Vigilance Department, Chandigarh Administration on the subject noted above for taking necessary action in the matter.

DA: As above

For Superintendent Health,  
Principal Secretary Health,  
Chandigarh Administration.

✓ DA

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24 APR 2019

Urgent  
OS (E-IV)

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Wine 22/4/19

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PA/PSH/ 1394  
14-2-19

2800

## CHANDIGARH ADMINISTRATION VIGILANCE DEPARTMENT

Health Branch  
Diary No. 626  
Dated 14/2/19

Room No.409, 4<sup>th</sup> floor, Deluxe Building, U.T. Secretariat, Sector-9 D, Chandigarh-160009  
Telephone No.0172-2743410 Email : vigilancedept.chd@nic.in

No.366/Misc-CVO-2019/2450

Dated : 11/2/19

To

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

PA/ASH 41  
Dated 14/02/19

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.

Graphic Address :  
ARKTA: New Delhi

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cenvigil@nic.in

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

POLICE / VIGILANCE BRANCH  
By. No. 6941 Date 31/07/18



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 31<sup>st</sup> July 2018

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 Departments/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.