

**GOVERNMENT OF INDIA  
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
LOK SABHA**

UNSTARRED QUESTION NO:3472

ANSWERED ON:12.02.2014

CONSULTATIONS WITH CVC

Choudhary Shri Harish; Ganpatrao Shri Jadhav Prataprao

**Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:**

- (a) whether the Central Vigilance Commission (CVC) is consulted at two stages in vigilance/corruption cases;
- (b) if so, the details thereof and the reasons therefor;
- (c) the reaction of the Government regarding the delay caused as a result thereof;
- (d) the reasons for non complying with the recommendations/advice of CVC by disciplinary authority and the details of provisions of the rules in this regard; and
- (e) the measures taken by the Government to issue speedy finalization of disciplinary matters?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSIONS AND MINISTER OF THE STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY)

(a) & (b) The Central Vigilance Commission (CVC) is consulted at two stages in vigilance/corruption cases; first stage advice is obtained on the investigation reports before initiation of the proceedings and second stage advice is obtained before a final decision is taken at the conclusion of the proceedings by the Central Government Ministries/Departments/Organizations.

(c) The Commission generally endeavors to tender advice within four weeks in cases received complete in all respects. The primary reason for delay in tendering of advice by the commission is deficiency in providing the complete fact/material relevant to the issue in the cases being referred by the Ministries/Departments/Organizations, due to which further clarification need to be sought by the Commission before tendering any advice in such references.

(d) The recommendation of the Commission is advisory in nature and not binding on the disciplinary authorities. The final decision in disciplinary cases rests with the Disciplinary Authority, who takes the decision independently keeping in view, the advice of the CVC, findings of the IO, advice of the UPSC, reply of the charged officer, etc.

With a view to bringing about greater uniformity of examining on behalf of the President the advice tendered by the CVC and taking decision thereon, as per instructions dated 28th September, 1978, the Department of Personnel and Training is to be consulted before the Ministries/Departments finally decide to differ from/not to accept any recommendation of the CVC in disciplinary matters in those cases which relate to Gazetted officers for whom the appointing authority is the President.

(e) In order to ensure speedy finalization of disciplinary matters, it has been decided to dispense with the second stage consultation with the CVC. However, in those cases where consultation with UPSC is not required as per extant rules/instructions, the second stage consultation with CVC would continue.

The Government has also issued guidelines on 29th November, 2012 for expeditious disposal of disciplinary cases.