



VIGILANCE- COMPLAINT HANDLING MECHANISM

Energy Efficiency Services Limited



AUGUST 4, 2022

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1.0 **Introduction:** -

EESL, a Super-Energy Service Company, believes in the highest level of personal and institutional integrity. Vigilance administration in any organization is an integral function like any other function of management such as finance, personnel, material and contracts etc. If the vigilance set-up is effective in an organization, it will certainly ensure the functioning of the other segments of the management in an efficient way. Vigilance administration comprises of preventive and punitive anti-corruption measures. Vigilance Function includes detecting irregularities, analyzing and finding out reasons for such irregularities and making effective systematic improvements to curb them. It also entails identifying the public servants responsible for misconduct and taking appropriate punitive actions against them.

The disciplinary authority has the overall responsibility of looking into the misconducts alleged against or committed by the public servants within its control and to take appropriate punitive action. The Chief Executive Officer/CMD is assisted by the CVO in discharge of vigilance function. The CVO acts as the Chief Advisor in such matters. In addition, the CVO works as an effective liaison link between the CVC and EESL. He is also a contact point for the CBI on the vigilance matters.

The Company has zero tolerance approach towards any form of corruption.

- (i) The objective of these guidelines is to assist the Management and public in general handling of Vigilance's complaints in an efficient, effective and professional manner wherein every possible step is taken to ensure that instances of misconduct do not escape scrutiny and action. While at the same time, the morale of the employees is not adversely affected by complaints of trivial nature.
- (ii) *These guidelines are aimed to create awareness among the public and stakeholders to enable them to become active participants in the process of eliminating corrupt and irregular activities from public life.*
- (iii) Chairman, Chief Executive Officer (CEO), Chief Vigilance Officer (CVO), Directors and Heads of Departments may cause an enquiry into any complaint concerning the functions / activities of any of the projects / Regions / Clusters/ Corporate Office of the company. Complaints having Vigilance Angle must be referred to CVO for necessary action.
- (iv) These guidelines have been designed in line with CVC Manual-2021, CVC - Complaint Handling Policy and the Guidelines / Instructions / Gazette issued by Government of India / Central Vigilance Commission (CVC), from time to time.
- (v) The Vigilance - Complaint Handling Mechanism is available on EESL website and also on the intranet.
- (vi) The Vigilance - Complaint Handling Mechanism is readily accessible to all stake holders and public. The Policy is easy to understand and includes details on lodging and resolving complaints.

- (vii) Complaints given in person are acknowledged immediately and Complainants will be treated courteously.
- (viii) It will be ensured that the complaints are addressed in transparent and fair manner within the specified/reasonable time frame in line with Vigilance - Complaint Handling Mechanism.
- (ix) There is no fee/cost to the complainant for making complaint.
- (x) A person making false complaints is liable for prosecution and/or disciplinary action especially in case he/she is a public servant / employee of EESL.
- (xi) Based on the feedback received, the Company shall initiate necessary action for systemic improvements.
- (xii) The EESL is committed to instill transparent system of vigil to enhance the business prospects, profitability of the company and customer satisfaction.

2.0 Definition of Vigilance - Complaint: -

A Vigilance-complaint is a piece of statement or information from whatever the source containing details about offences i.e. corruption, malpractices or misconduct alleged to have been committed in violation of provisions of CDA rules governing officers of EESL and in violation of provisions of Prevention of Corruption Act, 1988 and having Vigilance Angle.

**Note: Any other complaint, not falling under above criteria, shall be treated as Non-Vigilance-compliant.*

3.0 Definition of Vigilance Angle: -

Vigilance Angle is obvious in the following acts:

- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
- (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
- (iii) Obtaining for himself or for any other person any valuable thing or pecuniary by corrupt or illegal means or by abusing his position as a public servant.
- (iv) Possession of assets disproportionate to his known source of income.
- (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.
- (vi) There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer's integrity is in doubt. Gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible / public interest is evident; failure to keep the Controlling Authority / superiors informed in time- these are some of the irregularities where the Disciplinary

Authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.

- (vii) Also, any undue / unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to presence of Vigilance Angle.

[Clause 1.4 of Chapter-I of CVC-Vigilance Manual 2021]

3.1 Commercial risk taking forms part of business.

Every loss caused to the organization, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a Vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instruction, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organization is one possible criterion for determining the bona fides of the case. A positive response to this question may indicate the existence of bona-fides. A negative reply, on the other hand, might indicate their absence.

[Clause 1.4.2 of Chapter-I of CVC Vigilance Manual 2021]

4.0 Jurisdiction of the Vigilance Department: -

The Vigilance-Complaints can be lodged only against officials of EESL, its Suppliers, Contractors & Associates etc.

The Vigilance Department has no jurisdiction over private individuals and other Government Organizations.

5.0 Types of Vigilance-Complaints: -

All complaints received by Vigilance are classified as under: -

- (i) **Identifiable or signed complaints:** These are complaints wherein the identity of the complainant is mentioned by virtue of signature and name, contact details etc. Further, the complainant owns/confirms the details (facts and figures) mentioned in the complaint, when the complainant is contacted at the address mentioned in the complaint.
- (ii) **Pseudonymous complaints:** These are complaints wherein the identity of the complainant is mentioned by virtue of signature and name, contact details etc. However, when the signatory of the complaint is contacted at the address mentioned in the complaint, the complaint is either disowned or there is no response within a reasonable time.
- (iii) **Anonymous Complaints:** These are complaints where the complainant has not revealed, verifiable or traceable or contactable identity while making the complaint.

- (iv) **Source Information:** Source information received from identifiable source shall be reduced in writing and shall be treated as signed complaint.
- (v) **Whistle Blower Complaints:** This is also known as Public Interest Disclosure and Protection of Informer (PIDPI) Complaints. If a complainant while exposing a case of corruption wants his identity to be kept secret, he/she should lodge a complaint under Public Interest Disclosure and Protection of Informers Resolution (PIDPIR) – popularly known as Whistle Blower Provision.

[P-3 of CVC Complaint Handling Policy 004/VGL/020 (pt) revised on 01.07.2019]

6.0 Sources of Vigilance-Complaints: -

Information about fraud, corruption, malpractice or misconduct on the part of employees of EESL, suppliers/contractors & Associates etc. may be received directly by the CVO or through EESL Management from any of the following or other sources: -

- (i) Complaints received from employees of the EESL or from the public.
- (ii) Departmental inspection reports and stock verification surveys.
- (iii) Scrutiny of Annual Property Return.
- (iv) Scrutiny of transactions reported under the Conduct Rules.
- (v) Reports of irregularities in accounts detected in the routine audit of accounts; e.g. tampering with records, over-payments, misappropriation of money or materials etc.
- (vi) Audit reports on EESL accounts, internal accounts reports, CAG reports etc.
- (vii) Reports on Parliamentary Committees like the Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings.
- (viii) Proceedings of two houses of Parliament.
- (ix) Complaints and allegations appearing in the press etc.
- (x) Source information, if received verbally from an identifiable source, to be reduced in writing.
- (xi) Intelligence gathered by agencies like CBI, ACB, Lokayuktas etc.

[Clause 3.1.1 of Chapter-III of CVC-Vigilance Manual 2021]

In addition, the Chief Vigilance Officer may also devise and adopt such methods, as considered appropriate and fruitful in the context of nature of work handled in the EESL, for collecting information about any malpractice and misconduct among the employees. Similarly, CVO can also scrutinize the news items relevant to the organizations on a continuous basis to check whether any cases of corruption are revealed in them.

[Clause 3.1.2 of Chapter-III of CVC-Vigilance Manual 2021]

Complaints may also be received from or forwarded by: -

- (a) Central Vigilance Commission made under Public Interest Disclosure or otherwise.
- (b) The President's Secretariat and the Prime Minister's Office.
- (c) Ministries and Departments of the Central or State Govt.
- (d) CBI and other police authorities when they do not intend to investigate the complaint.
- (e) MPs/MLAs/VIPs, individuals and non-governmental organization.

7.0 Guidelines for the Complainant: -

- (i) The complaint should be pertaining to officials of EESL, Suppliers / Contractors & Associates etc. falling within the jurisdiction of the Vigilance Department.
- (ii) Complaints sent through written communication/letter should contain name and personal details, complete postal address (mobile/telephone number, if any) of the sender with specific details/information of the issue/matter. The complaint should be signed by the Complainant.
- (iii) Complaints lodged with the Vigilance Department should be genuine and not malicious, vexatious or frivolous and should be based on verifiable facts.
- (iv) A complaint should preferably be lodged in typed or written form in English or Hindi language for facilitating early action thereon.
- (v) The complaint should not be anonymous or pseudonymous.
- (vi) Complaint should be specific with adequate evidence.
- (vii) The complaint should not be biased or based on any personal grievances.
- (viii) Complaints sent on e-mail ID of officers of the Vigilance Department shall be entertained only if the complaint contain all relevant information about complainant as mentioned at point (ii) of this clause.
- (ix) The complainant should address the complaint directly to the CVO of EESL.
- (x) Normally one specific issue should be raised in one complaint. However, if more than one specific issues are there, it is better to raise the same in separate complaint. Further, Complainants, while forwarding their complaints to the Commission, should mention details one by one in a coherent manner so that the same can be understood unambiguously.
- (xi) All types of complaints, even if printed or photocopied, should be clearly legible.
- (xii) The complainants should lodge complaints only regarding issues having vigilance angle and which are not part of any litigation in any courts, tribunals, etc., i.e. the matter should not be sub-judice.
- (xiii) Complainants who want to keep their identity confidential should file complaint under the provisions of PIDPI resolution. The complainants who



want to make whistle blower complaint under PIDPI Resolution should get familiarize themselves with the proper procedure of PIDPI Resolution. Details of PIDPI Resolution are mentioned in CVC Manual 2021.

(xiv) In the matter of complaint related to tenders, while the Commission may get the matter investigated, it would not generally interfere in the tendering process.

[Clause 2.1 of Chapter-II of CVC-CHM circular no. 25/12/21 dtd 24.12.2021]

8.0 Methodology for Lodging of Vigilance-complaint in EESL: -

Vigilance-Complaint can be lodged, giving specific facts/information containing details about offences alleged to have been committed under the PC Act 1988 or malpractice/ misconduct under Conduct Rules (CDA Rules) of the EESL having Vigilance Angle, by addressing the written communication/letter to;
Chief Vigilance Officer, Energy Efficiency Services Limited, NFL Building 5th & 6th Floor, Core-III, Scope Complex, Lodhi Road, New Delhi-110003.

or

By sending an e-mail directly to the CVO at the e-mail Id- cvo@eesl.co.in with all relevant information about complainant as mentioned at point (ii) of this clause 7.0 of this mechanism.

***Note:** Complaint should be addressed directly to CVO. It should not be marked as Copy to CVO.

Lodging of complaints under PIDPI:

Complaint under "Public Interest Disclosure and Protection of Informer" Resolution can be made only by post. *CVC & CVO's of the Administrative Ministry (i.e. Ministry of Power, GoI). are the Designated Agency for receiving PIDPI complaints.* The envelope should be super scribed "PIDPI" or "Whistle Blower". The complainant should refrain from giving his name on the body of the letter. The personal detail should be separately given or given at the top or end of the letter so that they can be easily blocked out.

[P-3 of CVC Complaint Handling Policy 004/VGL/020 (pt) revised on 01.07.2019]

For detailed information regarding PIDPI, please refer chapter IV of CVC manual 2021 or EESL's Whistle Blower Policy exclusively for employees of EESL.

9.0 Action on complaints: -

9.1 Initial action on complaints received by Vigilance Department: -

(i) Vigilance department would maintain a vigilance complaints register in the form of CVO-1.

- (ii) Every complaint, irrespective of its source, would be entered in the prescribed format in the complaints register chronologically. A complaint containing allegations against several officers may be treated as one complaint for statistical purpose.

[Clause-3.5.1(b) of Chapter-III of CVC-Vigilance Manual 2021]

- (iii) Once a complaint is registered in Vigilance Department, further correspondence from the complainant in the matter will not be entertained. However, Vigilance department may contact the complainant to clarify the gaps in information since, at times, the complainant may not be able to articulate the allegations properly. Complainant may also be contacted for additional information, if any, that the complainant could provide.

9.2 Scrutiny of complaints:

Each complaint will be examined by the Chief Vigilance Officer and following actions should be taken:

- (i) If the allegations are vague, general and prima facie unverifiable, complaint may be dropped and filed by CVO. Wherever considered necessary, Heads of the Department may also be consulted.

[Clause-5.1.2(a) of Chapter-V of CVC-CHM circular no 25/12/21 dtd 24.12.2021]

- (ii) A further check, a preliminary inquiry/investigation may be made to verify the allegations to decide whether or not, the public servant concerned should be proceeded against departmentally or in the Court of Law or both, if complaints gives definite information to do so. The detailed guidelines about the nature of investigation and the agency to be entrusted are given in *Chapter-V of CVC Vigilance Manual 2021*. The information passed on by the CBI to the Ministry/ Department regarding the conduct of any of its officers should also be treated in the same way.

[Clause-5.1.2(b) of Chapter-V of CVC-CHM circular no. 25/12/21 dtd 24.12.2021]

- (iii) The complaint may be forwarded to CVO of the Administrative Ministry (i.e. MoP) wherever the role of Board Level Officials has been alleged.
- (iv) Complaints relating to tenders: On receipt of any Vigilance-Complaint containing allegations against any tender in processing/decision stage, the tender process need not be stopped. However, the allegation should be brought to the notice of the Competent Authority, including the Purchase Committee, Tender Committee, Negotiation Committee etc. The complaint should be processed independently after final decision is taken by the Tender / Purchase Committee and / or the Competent Authority.

[CVC office order no. 25/7/06 dtd. 6th July, 2006]

- (v) Only those complaints, which are against the employees / officials of EESL, its Suppliers / Contractors & Associates etc. and contain allegations of corruption / Vigilance Angle, will be taken up by the CVO / Vigilance Department for Verification/Investigation.

9.3 *Seeking Confirmation of complaint from Complainant:*

When an identifiable and signed complaint, is received directly by the CVO which contains specific and verifiable allegations of corruption/Vigilance Angle and it is proposed to take cognizance of such complaints, a confirmation would necessarily be sought from the complainant for owning or disowning the complaint, as the case may be, together with a copy of his identity proof. If no response to the letter seeking confirmation is received from the complainant within 15 days, a reminder is sent. If still no response is received after 15 days of reminder, the complaint should be closed and filed treating it as a pseudonymous complaint.

Further, in a situation where letter is sent to the complainant for owning/ disowning the complaint and confirming facts and figure of the complaint, he in turn, sends in his response another complaint either through post or through e-mail, the same should be treated as another complaint and not his confirmation to the first complaint. If the complainant does not own/ disown and does not confirm facts and figures of the complaint in first instance in clear and loud terms, no action can be taken on his complaints and it should be closed regardless of the nature of complaint.

9.4 *Disposal of complaints:*

Complaint, after confirmation from the complainant, scrutiny and examination by Vigilance officer, is placed before the CVO for following appropriate action.

- (i) *File it (close it) without or after investigation; Or*
- (ii) *Forward it to the CBI for investigation / appropriate action with approval of Head of Organization if finding reveals that the allegations;*
 - (a) *criminal in nature (e.g. bribery, corruption, forgery, criminal breach of trust, possession of assets disproportionate to known sources of income, cheating, etc).; or*
 - (b) *Require inquiries to be made from non-official persons; or*
 - (c) *Involve examination of private records; or*
 - (d) *Need expert police investigation for arriving at a conclusion; or*
 - (e) *Need investigation abroad. Or*

[Clause 5.3(a) of Chapter-V of CVC-Vigilance Manual 2021]

- (iii) *Forward it to the authority concerned for appropriate action if no vigilance angle is involved; or Forwarding the complaints to the concerned authority for appropriate action if the complaints are of Non-vigilance nature which relate to purely administrative matters or technical lapses, such as late attendance,*

disobedience, insubordination, negligence, lack of supervision or operational or technical irregularities, etc. Or

(iv) *To take up for detailed investigation.*

[Clause 3.5.3(a) of Chapter-III of CVC-Vigilance Manual 2021]

9.5 Closing of complaints without any action:

A complaint of the following nature shall not be entertained by CVO and shall be summarily dismissed or filed or forward to the concerned authority for necessary action as deemed fit, namely: -

- (i) where allegations are administrative in nature such as those relating to transfer, posting, recruitment, suspension or travelling allowance. unless there is involvement of vigilance angle relating to alleged commission of offences under the Prevention of Corruption Act, 1988;
- (ii) which are endorsed or addressed to multiple authorities;
- (iii) which are not directly addressed to the CVO;
- (iv) which are anonymous or pseudonymous;
- (v) which are vague, frivolous or not specific in content or nature.
- (vi) contain matters which are sub-judice before any competent Court or Tribunal or Authority;
- (vii) which are against private persons, State Government officials, Members of Parliament or State Legislature, elected representatives of other bodies, members of judiciary or officials of private organisations;
- (viii) which are not against the category of public servants as specified under such section (2) of section 8 of the Act and the notification issued thereunder; and
- (ix) which are illegible.

[CVC Gazette CG-DL-E-30012021-224831 dtd. 8th January, 2021]

10.0 Action on complaints received from CVC (Marked as Investigate & Report, PIDPI Resolution and Necessary Action/Factual Report): -

10.1 Complaints received for “I & R (Investigate and Report)”:-

- (i) Once a complaint is lodged with CVC and the Commission directs the CVO to investigate and submit a report on a complaint, a unique complaint number would be provided to the complainant by the commission. The complainant can use this complaint number to see the status of action on the complaint by clicking on the ‘Complaint Status’ displayed on the Commission’s website – <https://cvc.gov.in> .

[Clause 3.4.2(c) of Chapter-III of CVC-Vigilance Manual 2021]

- (ii) In such cases, Commission would be seeking confirmation from the complainant for owning / disowning the complaint, as the case may be. Therefore, any further confirmation would not be required to be sought by the

CVO from the complainant in respect of the complaints received by CVO for “I & R” from the Commission. However, clarifications / any additional information, if required, could be obtained from the complainant(s) as part of inquiry in the matter undertaken by the CVO.

- (iii) Whenever the Commission calls for ‘Investigate and Report’ on a complaint, the report of the investigation shall normally be sent to the Commission within three months from the date of receipt of reference from the Commission or within such time as specified by the Commission. In case, more time is required to finalise the investigation and send the report to Commission in the prescribed format, the CVO shall seek extension of time, within 15 days of receipt of reference from Commission, giving specific reasons. Any such request by the CVO shall be sent to Commission, along with the approval of the CEO.

*[Clause-4.2(c) of Chapter-IV of CVC-CHM circular no 25/12/21 dtd
24.12.2021]*

- (iv) After investigation, if it is found that the officials involved in the case are not covered under Commission's jurisdiction, the matter would be dealt with by the CVO. However, action taken by the CVO would be intimated to the Commission in order to monitor compliance. Further, it is clarified here that in so far as PIDPI complaints are concerned, the Commission has jurisdiction over all officials (irrespective of their level) of the organization covered under the Commission's jurisdiction.
- (v) Complaints received from the Commission under the provisions of PIDPI Resolution are not required to be verified for genuineness, as the process of verification/confirmation is completed in the Commission prior to referring it to the CVO for investigation or further necessary action. Therefore, such complaints would be taken up for investigation immediately after receipt of the same from the Commission. Such complaints shall, in other words, be treated as registered complaint. Hence, CVO is required to send the report to the Commission within 12 weeks from the date of receipt of the reference from the Commission.
- (vi) After receipt of the Investigation report by the Commission, the Commission may tender its advice or seek further information or clarification (FI) from the CVO. Upon receiving such further Report as called for, the Commission would tender its advice. In respect of references made by the Commission for clarification and / or comments, the same shall be sent to the Commission **within six weeks**. If, in any case, it is not possible to do so, the CVO shall, after satisfying himself/herself of the reason for delay, write to the Commission for the extension of time.

[Clause 3.4.2(f) of Chapter-III of CVC-Vigilance Manual 2021]

10.2 Complaints received for “Necessary Action or Factual Report”:

- (i) In respect of those complaints which are received by CVO for Necessary Action such complaints shall be thoroughly scrutinized and action on such complaints shall be decided within a period of one month from the date of receipt of complaint from the Commission.

[Clause 3.4.3(b) of Chapter-III of CVC-Vigilance Manual 2021]

- (ii) Before initiating action on complaints received for Necessary Action (N.A.), a confirmation from the complainant for owning or disowning the complaint shall be sought, as the case may be, together with copy of his identity proof, as the Commission does not seek confirmation from the complainant, on such complaints.

[Clause-4.3.1(ii) of Chapter-IV of CVC-CHM circular no. 25/12/21 dtd 24.12.2021]

- (iii) In respect of the complaints referred by the Commission to CVO for necessary action, in case they have been investigated and a vigilance angle has come to the notice against an officer falling under the jurisdiction of the Commission, the case shall be referred back to the Commission for obtaining its **First Stage Advice**. In such complaints, the timeline of three months for completion of investigation and submission of report would apply. Otherwise, such complaints require no further reference to the Commission and shall be disposed off after taking required action.

[Clause-4.3.1(iii) of Chapter-IV of CVC-CHM circular no. 25/12/21 dtd 24.12.2021]

- (iv) However, all the complaints made under “PIDPI Resolution” which have been received by CVO for “Necessary Action”, are treated as signed complaints and shall be referred back to the Commission, irrespective of Commission’s normal jurisdiction, for advice if they have been investigated and a Vigilance Angle has come to notice.

[Clause 3.4.3(d) of Chapter-III of CVC-Vigilance Manual 2021]

11.0 Guidelines-Action on complaints received against Board Level Officials: -

- (i) Complaints against Board Level Officials are within the purview of the CVO - MoP. A complaint involving a Board-level appointee, whether figuring alone or in association with others (Board level appointee in association with below Board level officials becomes a Composite case and falls under the jurisdiction of the CVO, MoP), may be forwarded by the CVO-EESL to the CVO of the Administrative Ministry i.e. CVO-MoP, GoI. Under no circumstances, CVO

shall initiate action against the Board-level appointee of his organization. The CVO of the administrative ministry would initiate action on such complaints in accordance with the instructions given in para 3.5 of Vigilance Manual-2021.

[Clause 3.7(a) of Chapter-III of CVC-Vigilance Manual 2021]

- (ii) If the CVO of an administrative ministry asks for a factual report against a Board level appointee from CVO-EESL, the latter will send the same to the CVO of the Ministry/ Department, after endorsing a copy of the report to the CMD. The CVO of the Ministry / Department may make a reference to the Commission after collecting all the relevant facts and following the prescribed procedure.

[Clause 3.7(c) of Chapter-III of CVC-Vigilance Manual 2021]

- (iii) In case of PSEs and PSBs, sometimes, it is found that there is a spate of complaints against individuals whose names are being considered/ finalized for Board Level appointments. Similarly, when an official is due for promotion, sometimes old complaints are taken cognizance of and investigation is started against the official. In order to avoid unnecessary harassment to the officials, against whom frivolous complaints are received at the time of their promotion, selection or empanelment, the Commission has decided that for the purpose of giving vigilance clearance in such cases, the following actions has been taken:

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- a) As a rule, complaints / cases which are more than 5 years old and against which no action has been taken till then, should not be taken into cognizance. However, the limit of 5 years will not apply to cases of fraud and other criminal offences;
- b) No cognizance should be taken of any complaint which is received within 6 months prior to the initiation of selection process for Board level officials.

[Clause 3.7(e) of Chapter-III of CVC-Vigilance Manual 2021]

12.0 Handling of Complaints against CVO, VO, etc.: -

Any complaints against the CVO should be immediately referred to the Commission and the Commission would decide the further course of action thereon. However, the complaints against the other vigilance functionaries shall be looked into by the CVO personally and further action would be taken as per prescribed procedure.

[Clause 3.8 of Chapter-III of CVC-Vigilance Manual 2021]

13.0 Action on complaints received from Members of Parliament and Dignitaries: -

References received from Members of Parliament (MP) and Dignitaries are to be dealt as per procedure laid down in *Central Secretariat Manual of Office Procedure* brought out by the *Department of Administrative Reforms and Public Grievances* (Refer to Annexure-II to Chapter-III Vigilance manual 2021). It has, however, been noticed that a number of complaints are being received using letter heads of Members of Parliament / VIPs and with forged signatures of the Hon'ble MPs / VIPs. Hence, as a measure of abundant caution and to provide adequate protection to the officers against whom such complaints have been made, confirmation shall be sought from the dignitary regarding the making of the complaints. On receipt of confirmation, the complaint shall be dealt with on priority as per the procedure referred to above.

[Clause 3.9 of Chapter-III of CVC-Vigilance Manual 2021]

14.0 Investigation and Action on investigation report: -

Consequent upon initiating the investigation, the investigation report shall be submitted within time frame of three months. Investigation should be prioritized by keeping in view the date of superannuation of the officials involved.

The Investigation report shall be exhaustive, relevant and structured so as to mention the source, gist of allegations, facts, observations, response of the officials concerned, counter to the response, conclusion, responsibility of officials, recommendation for action and recommendation for systemic improvement, if required.

The following actions may be taken on Investigation Report;

- (i) Not to pursue the investigation any further if the irregularities are not established.
- (ii) To recommend necessary action in case the irregularities are established. The necessary action could be initiation of
 - (a) Disciplinary Proceedings against defaulting officials, and / or
 - (b) Administrative Action i.e. Warning/Recordable Warning, Advisory Memo etc., and / or
 - (c) System Improvements.

While taking a final view on the investigation report, the following care shall be taken:

- (a) The advice of the CVC shall be sought in respect of all officials in the jurisdiction of the CVC i.e. E8 and above (E-8 Scale is INR 120000 – 280000 effective from 01.01.2017 pursuant to pay revision after 7th CPC).

Such a reference would be required to be made even in respect of executives who are not within the CVC's jurisdiction, if they are involved along with officers who are within the jurisdiction of the CVC, since the case would then become a composite case and falls within the CVC's jurisdiction.

- (b) The investigation report shall be forwarded to the CVO of the Administrative Ministry for further action, if the investigation report reveals the role of Board level official.

The reference would also be required to be made even in respect of the executives below Board level, if they are involved along with Board level officials, since the case would then become a composite case and falls within the jurisdiction of the CVO, Administrative Ministry (i.e. MoP).

- (c) If the investigation reveals that the involved officials are below the level of E8, the case shall be generally dealt with by the CVO-EESL for advice to the concerned Disciplinary Authority.

Further action shall be taken based upon the advice of CVC/Administrative Ministry (MOP) / CVO, as the case may be.

15.0 Action against persons making false complaints: -

If a complaint is found to be malicious, vexatious or unfounded, it would be considered seriously whether action should be taken against the complainant for making a false complaint.

- (i) Under Section 182 of the Indian Penal Code, 1860, a person making false complaint can be prosecuted. Section 182 reads as follows: -

“Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant:

- (a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or
(b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”

- (ii) Under section 195(1)(a) of Code of Criminal Procedure, 1973 a person making a false complaint can be prosecuted on a complaint lodged with a court of competent jurisdiction by the public servant to whom the false complaint was made or by some other public servant to whom he is subordinate.

- (iii) If the person making a false complaint is a public servant, it may be considered whether Departmental action should be taken against him as an alternative or in addition to prosecution.

[Clause 3.12 of Chapter-III of CVC-Vigilance Manual 2021]

16.0 **Withdrawal of Complaints:** -

Some complainants, after confirming the Vigilance's Complaint made by them, make a request for withdrawing the same or stopping the inquiry / investigation. It is to be noted that once a complainant confirms the Vigilance's Complaint and action has been initiated for inquiry/investigation, it is not permissible to withdraw / stop such enquiry / investigation even if the complainant withdraws his complaint. The allegations contained in the complaint have to be taken to its logical conclusion irrespective of complainant's request for withdrawal of the complaint.

[Clause 3.13 of Chapter-III of CVC-Vigilance Manual 2021]

17.0 **Guidelines-Variou s timel ines related to complaints:** -

The Commission has been laying emphasis on timely/ prompt action on complaints in order to ensure that irregularities, if committed, are surfaced at the earliest possible and all preventive / punitive measures can be taken expeditiously. For this purpose, the Commission has issued guidelines on various occasions, specifying the time limit for dealing with complaints.

The same is summarized in the following table: -

S. No.	Description	Timeline
1	Timeline for seeking confirmation from complainant before initiating Investigation process.	15 days
2	If confirmation not received within 15 days reminder to be sent to complainant. (If no response received even after reminder, complaint may be filed treating as pseudonymous complaints.)	15 days
3	Timeline for submission of Investigation Report to the Commission on Complaints referred by it to the CVOs concerned for investigation.	3 months (or as may be specified by the commission, in individual matter)
4	In case, it is felt that it would not be possible to complete the investigation within the specified period, time limit for approaching the Commission for seeking extension of <u>time, with the approval of the competent authority.</u>	15 days
5	Timeline for submission of investigation report in PIDPI complaints, referred by the Commission.	12 weeks

6	Timeline for submitting response by CVOs to the Commission in respect of references made by it to CBI/ Ministries for clarification/comments in the matter of complaints.	6 weeks
7	Timeline for CVOs to scrutinize and decide about action to be taken on the complaints sent by the Commission for necessary action to the CVOs concerned.	1 month
8	Timeline for giving opinion by the Disciplinary Authority, about existence of vigilance angle in complaint, in case of difference of opinion with CVO	15 days

[Clause-7.3 of Chapter-VII of CVC- CHM circular no. 25/12/21 dtd 24.12.2021]



References

S.No	Detail
1	CVC, Vigilance Manual, 2021
2	CVC, Comprehensive Guidelines on Complaint Handling Mechanism, No. 00000021021/VGL/051 dtd. 24.12.2021
3	CVC Gazette No. CG-DL-E-30012021-224831 dtd. 8th January, 2021
4	CVC, Complaint Handling Policy No. [004/VGL/020 (pt)] Revised on
5	CVC Office Order no. 25/7/06 dated 6th July, 2006