

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

NO.PWE-95-3-75(Gen-Cir)/17-ES-I-

26867-26968

Dated:-

6-11-2017

From:

ENGINEER-In-CHIEF.

To


All the Chief Engineers in HP.PWD.
All the Superintending Engineers in HPPWD.
All the Executive Engineers in HP.PWD
All the Land Acquisition Officers in HP-PWD.

Subject:-

Amendment in Para 6.4 of Chapter -II of Himachal Pradesh
Vigilance Manual.

I am to enclose herewith a copy of letter No. Home (Vig.)A (8)-
7/2017 (VCC Inst.) dated 27.10.2017 received from Principal Secretary (Vig.) to the,
Govt. of HP on the subject cited above for necessary action.

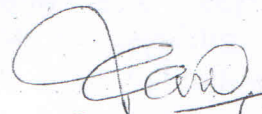
Encl: As Above.


Registrar, 6/7/17
Himachal Pradesh, PWD,
Shimla-2

Copy is forwarded for information and similar necessary action to:-

1. Architect in Chief in this office.
2. Nodal Officer (IT) in this office alongwith copy of above letter. He is requested to display above letter on the official website of the department at the earliest please.
3. All head of branches.
4. Guard file.

Encl:As Above


Registrar, 6/7/17
Himachal Pradesh, PWD,
Shimla-2

FR 10/11/17
10/11/2017

10/11/17

Sh. J. - cel

No. Home (Vig.)A (8)-7/2017 (VCC Inst.)
Government of Himachal Pradesh
Department of Home (Vigilance)

From:

The Principal Secretary (Vig.) to the
Government of Himachal Pradesh

To

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Heads of the Departments in Himachal Pradesh.
4. All the Deputy Commissioners in Himachal Pradesh.
5. All the Chairmen/ Managing Directors/ Secretaries and Registrars of all the PSUs/ Corporations/ Boards / Universities in H.P.
6. The Secretary, H.P. Vidhan Sabha, Shimla-4.
7. The Registrar, H.P. High Court, Shimla-1.
8. The Secretary, H.P. Public Service Commission, Shimla-2.

Dated: Shimla-2, the 27-10-2017

Subject:-

Amendment in Para 6.4 of Chapter-II of Himachal Pradesh Vigilance Manual.

Sir,

I am directed to refer to the subject cited above and to say that Para 6.4 of Chapter-II of Himachal Pradesh Vigilance Manual provides the situations where Vigilance Clearance Certificates are withheld by the Vigilance Department as under:

- (1) his name figures in the list of officers of doubtful integrity, or
- (2) regular departmental action against him has been advised by the Vigilance Department, or
- (3) a case of vigilance nature is pending against him in a court of law.

2. The Government of India, Department of Personnel & Training on the announcement of a judgement by the Hon'ble Supreme Court in the case titled K.V. Jankiraman AIR No.1991 SC 2010 has issued instructions vide Office Memorandum No 22034/4/2012-Estt. (D) dated 02-11-2012 for issuing

of vigilance clearance for promotion and the following three situations have been prescribed where VCCs can be withheld:

1. Government servants under suspension;
2. Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
3. Government servants in respect of whom prosecution for a criminal charge is pending.

3. Keeping in view the above instructions of Government of India, alteration is required to be effected in the procedure being followed in the State for issuance of Vigilance Clearance Certificates, so that the same are consistent with the guidelines of the Supreme Court of India. Accordingly, after due consideration it has been decided to substitute the provision of Para 6.4 of Chapter-II of Himachal Pradesh Vigilance Manual with the following:-

6.4 "The vigilance clearance certificate will not be issued by the Vigilance Department or the competent authority as the case may be in respect of a Government servant if-

1. He/she is under suspension; or
2. In respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; or
3. Against whom prosecution for a criminal charge is pending.

NOTE:- As regards the stage when prosecution for a criminal charge can be stated to be pending, the Rule-9(6)(b)(i) of CCS(Pension) Rules, 1972 shall be followed which provides as under:

"(b) judicial proceedings shall be deemed to be instituted-

- (i) in the cases of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognizance, is made"

But the vigilance clearance certificate will be issued by the competent authority or the Vigilance Department as the case may be in respect of a Government servant in all other cases.

4. It has also been decided not to reflect the details of complaints/investigations, if any pending or contemplated against the officer/official while issuing Vigilance Clearance Certificate in his/her favour. However, the mention of the same shall invariably be made where Vigilance Profile of the officer/official is sought for.

5. You are, therefore, requested kindly to bring these instructions to the notice of all concerned under your control for strict compliance.

Yours faithfully,

(D.C. Rana)

Special Secretary (Vigilance) to the
Government of Himachal Pradesh

Endst. No. As above.

Dated:

27-10-2017

Copy forwarded to the following for information:-

1. The Additional Director General, State Vigilance & Anti Corruption Bureau H.P. Shimla.
2. The Special Secretary (GAD) to the Government of Himachal Pradesh, Shimla-2 w.r.t. item No. 33 of CMM dated 18.09.2017.

Special Secretary (Vigilance) to the
Government of Himachal Pradesh