

118

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Government of Orissa,  
General Administration Department.

No. 3M-47/93.

10,248

/Gen.,Dt. 7-9-93

To

All Departments of Government,  
All Heads of Departments.  
All District Officers.

Sub:- Sanction of prosecution in respect of  
Government Servants/Public Servants under  
the prevention of corruption Act.

On completion of investigation of a case under the Prevention of Corruption Act, the Vigilance Department, which is the principal agency in the State entrusted with such investigations, move the authority concerned for according sanction to prosecute the accused officer, if a prima-facie case is established against him during such investigation. Sanction by the authority competent to remove the delinquent officer from office is necessary because no Court can take cognizance of the case without such sanction.

2. According sanction to prosecute an Officer is an important matter and to be valid, it must be proved that sanction was given after carefully considering the relevant facts constituting the offence. Appropriate authorities should accord sanction expeditiously & if need be they may discuss the matter with the concerned Inquiring Officer.

3. Instances have come to the notice of Government where in several cases concerned Departments/authorities have taken unusually long time in finalising the matter leading to avoidable delays in prosecution of cases.

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99

117

In some instances concerned authorities, instead of taking a decision in the matter which is entirely within their competence, refer the same to other higher authorities for deciding the case. Reports received from Vigilance authorities requesting for sanction of prosecution against a particular Government/Public servant, should be dealt with expeditiously and the concerned competent authority shall finalise the matter within three months from the date of receipt of the report of the Vigilance Department.

*R. N. DAS*  
 ( R. N. DAS ) 6/9/63

Chief Secretary to Government.

MJ.

M 201 - 102 M  
 Dy. Secy. to Govt.