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No.....

BHUBANESWAR

Dated the 27th Oct. 2001

To

All Principal Secretaries to Government  
Secretaries to Government  
Heads of Departments  
District Officers  
Heads of Public Undertakings.

Ref: Letter No.22937 dt. 28.8.97, No.3M-47/93. -  
19247/Gen., dt. 7.9.93, No.3M-47/93.19248/Gen.,  
dt. 7.9.93 & No.3M-47/93. 19249/Gen., dt. 7.9.93  
of General Administration Department, Government  
of Orissa.

- Sub: 1. Inordinate delay in disposal of references  
from the Vigilance Department for sanction of  
prosecution, and taking Departmental Action.
2. Making available documents/copies of  
documents, required for the purpose of  
enquiry/Investigation by the Vigilance  
Department, and extending co-operation to  
the Vigilance Department in general.

Madam/Sir,

It is a matter of grave concern that despite clear Circular Orders issued in the past on the above subject, inordinate delay is noticed in a number of cases referred by the Vigilance Department for sanction of prosecution. While a period of two months was given as the outer limit, it is found that in a few cases, even after a lapse of two years, sanction orders are still awaited by the Vigilance Department.

2. Pre-sanction discussions are held with Sanctioning Authorities by the Vigilance officials, along with case records, more than once, whenever necessary. Nevertheless, sanction orders do not get issued on the general plea of seeking and obtaining comments on the representations made by the accused public servants, from time to time. The dilatory tactics adopted by the accused official helps protract the issue beyond reasonable limits,

eventually defeating the purpose, and undermining the efficacy, of prosecution. There is no need for a parallel enquiry at the level of the sanctioning authority. It is also not necessary to insist on supply of copies of documents, statements etc. by the State Vigilance.

3. When there is no gainsaying that the Sanctioning Authority must apply his mind fully to the facts of the case and satisfy himself before according sanction there is need to adhere strictly to the time schedule of two months at the most. Inordinate delays have been viewed adversely by the Courts of Law. Hence, the delay in disposal of proposals for sanction of prosecution beyond two months, should be scrupulously guarded against.

4. The Secretaries/Departmental Heads/CEOs of the PSUs will review the position in this regard every two months so that no case is kept pending beyond two months.

Departmental Action against charged officials.

5. Many cases enquired into or investigated by the Vigilance Department are referred to the department concerned for departmental proceedings, or for action, as deemed proper. It is observed that such cases do not get the attention they deserve, and are generally neglected or delayed for so long as to defeat the very purpose of departmental action.

6. It is unfortunate that the salutary *raison d'etre* of departmental action is often overlooked by the authorities concerned, to the detriment of probity and discipline in government service. The disciplinary authorities owe it to themselves; and the departments they head, to see that departmental proceedings are promptly instituted, diligently pursued and expeditiously concluded.

7. It is needless to say that during investigation of a criminal case, the Investigation Officer has statutory power to effect seizure of relevant papers if required for the purpose, and in that case, all co-operation should be given by the concerned authorities.

Furnishing necessary documents/copies to Vigilance Officials and co-operating with the Vigilance Department in general.

8. As you are all aware, government attach great importance to stamping out corruption from amongst public servants. The Vigilance Organisation can not function effectively without the full co-operation from all Heads of Departments and Heads of Offices and all honest public servants whose assistance may become necessary at any time for investigating/inquiring into the conduct of dishonest officers.

9. Instances have come to the notice of the government in which some Heads of Offices have either refused to allow the officers of the Vigilance Department any facility for making enquiry or even demanded to know the purpose of such enquiry despite the fact that the enquiring officers had duly established their identity as Vigilance Officers and were performing their statutory duties.

10. Government, therefore, desire to reiterate that it shall be the duty of all concerned to afford all necessary facilities and assistance to officers of the Vigilance Department in their enquiries/investigation.

11. If the enquiring officer finds it necessary to take any papers from any office in connection with his enquiry, he should be allowed to do so, on signing a proper receipt. The officers have been instructed not to ask for removal of papers unless it is absolutely necessary for the purpose of their enquiry.

12. If the Head of the Office is reasonably of the opinion that it would hamper his work, if any paper is removed from his office, certified copies of the papers, if they could serve the purpose of enquiry, may be given to the enquiring officer by the head of Office.

13. In case, however, where the records required by the enquiring officer, are themselves pieces of evidence, in the enquiry, the records have to be handed over to the enquiring officer at once if it is apprehended that not taking charge of the records immediately will leave scope for those being tampered with.

14. As regards disclosing the purpose of the enquiry, it may be appreciated that in the interest of enquiry, secrecy may have to be maintained at times, rendering the Vigilance Officer unable to disclose the purpose of details of an enquiry beforehand.

15. In case, records duly requisitioned by Vigilance Officers are not made over to them expeditiously, it shall be presumed that the officer withholding the records does it with a view to shielding the delinquent officer.

16. Government are firm about combating corruption at all levels, and as such, concerted and well-co-ordinated efforts are called for from all authorities and government servants. Identifying, exposing and

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correcting the corrupt is a responsibility, vesting primarily with the department concerned. The Vigilance Department as the Principal Investigating Agency of the Government on corruption, plays a complementary, albeit a critical, role in combating corruption. Therefore, whole-hearted and unstinted co-operation with the Vigilance Department is called for from all departments/P.S.Us., in all respects.

Yours faithfully,



CHIEF SECRETARY,  
ORISSA.