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BSNL 3G)))) **BSNL LIVE**
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भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

No. 29-3/2020-VA(Pt.II)

Dated 22-09-2020

To

All Disciplinary Authorities,

BSNL Telecom Circles / Units. [THROUGH INTRANET PORTAL]

Sub: Reference to the Commission for reconsideration of its advice – reg.

Ref : (1) Circular no. 06/08/2020 (008/VGL/027) dated 06.08.2020
(2) Circular no. 10/09/20 (008/VGL/027-459659) dated 09.09.2020

CVC circulars referred above regarding "Reference to the Commission for reconsideration of the advice" is endorsed herewith for information and necessary action.

This is issued with the approval of competent authority.

Encl : As above.


(M K Kawatra)

Deputy General Manager (Vig.-II)

Copy to:

1. PS to CMD for kind information of CMD
2. Director (HR) BSNLCO for information and necessary action.
3. All CGMs, BSNL Circles / Units for information and necessary action.
4. All Vigilance Heads, BSNL Telecom Circles / Units for information and necessary action.

Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
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EPABX
24600200

फैक्स / Fax : 24651186



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं. / No. 008/VGL/027

दिनांक / Dated 6th August, 2020

Circular No.06/08/2020

Sub.: **Reference to the Commission for reconsideration of the advice – reg.**

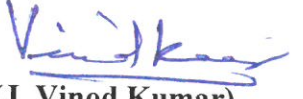
- Ref.: (i) Commission's Circular No.000/DSP/1 dated 06.03.2000 &
(ii) Commission's Circular No.15/4/08 dated 24.04.2008

The Commission, vide its earlier Circulars referred above had prescribed that the Departments / Organisations are required to approach the Commission for advice wherein a lenient view or stricter view than that advised by the Commission is proposed to be taken by the Competent Administrative Authorities. Further, it was also prescribed that such reconsideration proposals should be sent within a period of two month from the date of receipt of the Commission's advice.

2. The Commission has observed that proposals for reconsideration of the Commission's first stage advice are not being received within the specified time line of two months and further, many a time, justification warranting reconsideration / new material facts are not presented meriting reconsideration in such proposals by the Departments / Organisations. Such references for reconsideration result in avoidable delay in processing vigilance cases and taking expeditious action on Commission's advice.

3. Considering the need for expeditious finalization of vigilance cases and to adhere to the time lines for its finalization, the Commission on review of the existing time lines, has decided that any proposal for reconsideration of its first stage advice should be made to the Commission with the approval of the concerned Disciplinary Authority / Head of the Department / Chief Executive of the Organisation concerned **within one month** of receipt of the Commission's first stage advice and that too only in those exceptional individual cases having additional/new material facts. The Commission would henceforth not entertain any reconsideration proposal / request of first stage advice received beyond the revised time line of one month.

4. The above instructions and time lines for sending reconsideration proposals of Commission's first stage advice may be strictly adhered to in future.


(J. Vinod Kumar)
Director

To:

- (i) All Secretaries of Ministries / Departments of GoI / Chief Executives / CEOs of CPSEs / PSBs / PSICs/ FIs / Autonomous Organisations / Local Bodies, etc.
- (ii) All Chief Vigilance Officers of Ministries / Departments/ CPSEs / PSBs / PSICs/ FIs / Autonomous Organisations / Local Bodies, etc.

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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023
008/VGL/027-459659

सं. / No.....

09/09/2020

दिनांक / Dated.....

Office Order No.10/09/20

Sub.: Reference to the Commission for reconsideration of its advice- Dispensing with reconsideration of second stage advice – reg.

**Ref.: (i) Commission's Letter No.000/DSP/1 dated 06/03/2000.
(ii) Commission's Circular No.15/4/08 dated 24/04/2008.
(iii) Commission's Circular No.06/08/2020 dated 06/08/2020.**

Para 1.6.4 of Chapter I, Paras 7.19.3 and 7.28.5 of Chapter VII of Vigilance Manual, 2017 and aforesaid Circulars provide for consultation with the Commission, if the administrative authorities do not agree with Commission's advice and propose to take either a "lenient view" or a "stricter view" than recommended by it, for reconsideration of its 1st stage or 2nd stage advice.

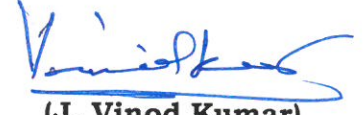
2. The Commission has analysed the cases received for reconsideration of its second stage advice tendered, and observes that second stage advice is tendered based on inputs received from Departments / Organisations which includes all material / information pertaining to the individual disciplinary case. Further, in most of the cases, Commission had reiterated its earlier advice tendered at second stage and in almost all such proposals, no new material / additional facts were brought out by the Departments / Organisations to justify any change. Also, in such cases of second stage advice, there is little scope for reconsideration. Such proposals also result in avoidable delays in finalization / issue of final orders by the Disciplinary Authority concerned.

3. The Commission, therefore, taking into consideration the above and the time lines to be adhered for finalisation of disciplinary cases, in supersession of its existing instructions / provisions in the Vigilance Manual, 2017 has decided to **dispense with consultation for reconsideration of its second stage advice**. Accordingly, no proposal for reconsideration of the Commission's second stage advice would be entertained in future. The provisions of the Vigilance Manual would stand amended to that extent.

:2:

4. However, the Commission would entertain references for reconsideration of its first stage advice within one month of receipt of the Commission's first stage advice only in those exceptional individual cases having additional/new material facts, as prescribed in its Circular No.06/08/2020 dated 06/08/2020.

5. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.


(J. Vinod Kumar)
Director

To:

1. All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/ Heads/CEOs of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.
2. All Chief Vigilance Officers of Ministries / Departments /CPSEs /PSBs /PSICs /FIs / Autonomous Organisations, etc.