

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, Shimla-2
2. All the Heads of the Departments in Himachal Pradesh.

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

Subject:- Regarding issue of Vigilance Clearance Certificate-Revised procedure thereof.

Sir,

In supersession of this department letter No. Per (Vig) F (1) 1/2002 dated 22-01-2004 on the subject cited above, I am directed to say that as per prevailing practice, the Administrative Departments while seeking Vigilance Clearance Certificates in r/o Officers/Officials of the Department for the purpose of promotion/confirmation etc. have to furnish the following certificates:-

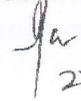
1. certificate to the effect that no departmental/vigilance case is pending or contemplated in respect of the officers/officials.
 2. certificate to the effect that name of the officers/officials do not exist in the list of officers of doubtful integrity.
 3. integrity certificate in respect of the officers/officials.
2. Consequent upon amendment in Para 6.4 of Chapter-II of Himachal Pradesh Vigilance Manual circulated by this department vide letter of even number dated 27.10.2017, the existing procedure is required to be amended.

Accordingly, the revised proforma for issuance of Vigilance Clearance Certificates is enclosed as Annexure-"A" with the request to submit the proposals for VCC's on the same in future in duplicate (duly signed by the competent authority).

3. It is also requested to mention the purpose for obtaining VCC in the proposal as to whether the same is required for the purpose of promotion /confirmation or other purposes such as deputation /secondment /empanelment etc. etc. The VCCs should be sought in case of promotion/confirmation only whereas for the other purposes the Vigilance Profile is required to be obtained/sought from this department.

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

Yours faithfully,


27/10/17

(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

Revised proforma for VCC to be supplied in duplicateProformaName of the Department:-Purpose for obtaining VCC/Vigilance Profile:

Sr. No.	Name of Officer/Official	Designation	Date of birth	Parantage i.e. S/o, D/o, W/o	Place of present posting	Previous three posting
1	2	3	4	5	6	7

Note: The following certificates are to be furnished with the proposal:

1. Certificate to the effect that the officer (s)/Official (s) is/are not under suspension.
2. Certificate to the effect that no charge-sheet has been issued against the officer (s)/Official (s) and no disciplinary proceedings is/are pending against them.
3. Certificate to the effect that no criminal charge is pending against the officer (s)/Official (s).
4. Certificate to the effect that name of the officer (s)/Official (s) do not exist in the list of officers of doubtful integrity.
5. Integrity certificate in respect of officer(s)/official(s).

(the above certificates may be given in the letter or on separate sheet)

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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

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

All the Administrative Secretaries to the
Government of Himachal Pradesh, Shimla-2.

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

Subject:-

Scheme for maintenance, review and custody of list
of public servant of Gazetted status of doubtful
integrity.

Sir,

I am directed to refer to this department letter No. Home(Vig.)A(9)-1/2011(Doubtful Integrity) dated 23rd April, 2011(which is also available in the Vigilance link of Home Department on State Government website) vide which Scheme for maintenance, review and custody of list of public servant of Gazetted status of doubtful integrity was circulated to all the Administrative Secretaries and to say that the matter regarding inclusion of all such officer(s)/official(s), who are placed under suspension, in the list of ODI was under consideration of the Government for some time past. It has been observed that suspension is generally resorted to when the charges against a Government servant are grave enough and likely to be concluded with the imposition of major penalty.

Therefore, **it has now been decided that the name of officer(s)/official(s), placed under suspension, shall also be included in the "List of Officers of Doubtful Integrity".** The other

criteria as mentioned in the above referred letter will also required to be considered for including the name of officer(s)/officer(s) in the "List of Officers of Doubtful Integrity"

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

Yours faithfully,

Ja
27/10/17

(D.C. Rana)

Special Secretary (Vigilance) to the
Government of Himachal Pradesh

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