



Coal India Limited
(A Maharatna Company)
Coal Bhavan, Premises No.04 MAR,
PLOT NO.AF-III, Action Area-1A, New Town,
Rajarhat, KOLKATA - 700156, (W.B.)
WEBSITE: www.coalindia.in
CIN No.L23109WB1973GOI028844

Ref No: CIL/C-5A(CRC)/Vig/55

Date: 05 April 2017

OFFICE MEMORANDUM

Sub: Clarification regarding date of Clearance status in case of promotion

It has been observed that although promotion orders are/were issued from Coal India Limited after due observance of the provisions of the OM No.CIL/C-5A(VI)/CCC/50729/137 dated 12.09.2002, while issuing further order from the subsidiary company's end, varying practice are/were followed with reference to the date on which the executive's clearance was taken into account/assessed-i.e. at times it was the date of the promotion order issued from CIL or at times, the date on which the subsidiary company was issuing order from its end.

It is hereby clarified that the date on which the clearance is to be taken into account for effecting the promotion should be the date of promotion order from CIL as the date for determining the position of the concerned executive in respect of the clauses mentioned in the OM No. CIL/C-5A(VI)/CCC/50729/137 dated 12.09.2002 and clause IV of CVO, CIL OM No:CIL/VIG/2015/MK-3/Conf/446 dated 31.05.2016; and only in cases, where the relevant clauses(s) falls on or before the date of issue of promotion order from CIL, the clause regarding withholding vigilance clearance should apply. The cases may be dealt accordingly.

This issues with the approval of the Competent Authority.

(Bijay Swaroop)
General Manager(personnel)

Encl- Copy of OM No:CIL/VIG/2015/MK-3/Conf/446 dated 31.05.2016-for ready reference

Distribution:

1. Director (P&IR)/(Tech.)/(Fin.)/(Mktg), CIL, Kolkata
2. Chief Vigilance Officer, CIL, Kolkata.
3. CMD/Director(Personnel), ECL/BCCL/CCL/WCL/SECL/NCL/MCL/CMPDIL
4. DIRECTOR(T/ES), CMPDIL, Ranchi.
5. TS to Chairman- CIL/TS to Dir (P&IR)-CIL
6. GM(P/EE)/HOD(P/EE), ECL/BCCL/CCL/WCL/SECL/NCL/MCL/CMPDIL
7. GM(System) CIL- with a request to upload the circular on CIL website under Information/circulars

Coal India Limited
Vigilance Division

CIL/VIG/2015/MK-3/Conf/ 446

Dated 31st May, 2016

OFFICE MEMORANDUM

Subject: Consolidated instructions for issue of Vigilance Status

Vigilance status of an employee is details of current position of all matters having Vigilance angle and which may indicate whether the employee is involved in any case having vigilance overtones or criminal offence within a period. The Vigilance Divisions will provide Vigilance Status of employees for different required purposes and the process will be guided by the following policy in suppression of all instructions issued in this regard:

I. General Guidelines

- i. The Vigilance Status of Board level executives will be issued by the CVO of the Ministry of Coal (MOC). Any Vigilance Status issued for them by Vigilance Divisions on request will be treated as draft which will require to be confirmed from the CVO of the Ministry. For following purposes, Vigilance clearance will be required from CVC:
 - a. For candidates for Board level appointments in PSUs, vigilance clearance from the CVC should be obtained. (No. 3(v)/99/4 dated 12.07.1999)
 - b. Cases of all the officers being given additional/concurrent charge of posts, regular appointment to which falls within the purview of ACC, for durations exceeding three months, require vigilance clearance from CVC. However additional/concurrent charge arrangements, for short durations (up to 3 months), vigilance clearance would be given by the CVO of the Ministry. (No. 005-VGC-101 dated 11.08.2005)
- ii. Suitability / eligibility for various purposes eg promotion, selection etc will be decided by the Administrative Authorities based on extant guidelines keeping in view the Vigilance Status.
- iii. The Vigilance Status will be issued by CVOs based on available information of various cases in online system or otherwise after collating the information from other subsidiaries/offices where the employee was posted during period of consideration and other cases of previous period having implication on Vigilance Status of the employee eg running Disciplinary proceeding or criminal trial etc.
- iv. As the data available in online system needs updation by concerned dealing officers/ subsidiaries before generating the latest Vigilance Status, minimum 7 working days will be required for the purpose. However, in emergency, Vigilance Status may be issued based on data in the online system with clear stipulation that the Status is based on data available in the system.
- v. Priority may be accorded for Vigilance status of time bound purposes like selection by PESB, appointment as Board level executive after selection, promotion of executives etc.
- vi. The brief of the case as entered in online system should contain all relevant details so that a clear conclusion could be drawn by the Administrative Authorities regarding executives being clear from the Vigilance angle or otherwise on a given date. It should mention the

- case in brief, result of investigation, decision of DA if any, advice of CVC/MOC, status of Disciplinary proceeding if any, penal action taken if any etc. For example, if any report has been forwarded to Ministry of Coal or CVC, it may be mentioned whether any actionable issue has found during investigation or whether Disciplinary Authority has taken any tentative view in the matter which will be finalized after advice from MOC/CVC.
- vii. While seeking Vig status EIS/PIS no. should be quoted for early processing of the case. Similarly, the places of posting of the employee during last 5/10 years, as the case may be, should be indicated.
 - viii. The complaints which are simply forwarded to Ministry because they may involve Board level executives need not be reported in Vig status. Similarly, complaints filed after preliminary scrutiny need not be reported. Only cases taken up for detailed investigation should be entered in data base and same should appear in Vigilance status of appropriate format.
 - ix. In the online system, queries should be raised by the concerned Deptt online and status will also be made available online. The computer generated report will not require any signature.
 - x. While seeking Vigilance status, purpose for the same may be indicated. Vigilance status granted and decision taken regarding Vigilance clearance will be valid only for the purpose for which it has been issued.
 - xi. The Vigilance status is the position as on the day of issue. If time of more than 3 months' elapses after issue of Vigilance status, latest status should be obtained before taking decision based on the Vigilance Status. However, updated status should be obtained before issue or implementation of critical orders like promotion, selection etc. In case of emergency, the latest position can also be checked from the online system by authorities who have been given password.
 - xii. The CVOs should ensure that the database in online system is kept up to date so that latest Vigilance status is available from the system. The nodal officers in Vigilance divisions will have particular responsibility to see that the database is updated regularly.
 - xiii. Vigilance Status will be issued with the approval of CVO or GM/senior most Vigilance officer in the Vigilance Division as per the arrangement between them. Any status generated from the online system will be treated as draft till they are approved in the system by CVO or GM/senior most Vigilance office in the Vigilance Division.

II. Requirement

The Vigilance status will be required for following purposes:

1. Promotion to higher post
2. Selection, appointment & extension in selection posts – eg PESB interview
3. Resignation/VRS
4. Settlement of dues on superannuation and other modes of separation from company
5. Confirmation in service
6. Absorption in the rolls of the company
7. Re-employment / contract appointment /empanelment
8. Application to outside posts, deputation, foreign assignment
9. Premature retirement through review
10. Foreign visits for training/official or private purpose for more than two weeks

11. Conferment of Corporate Awards

III. Formats & Information to be provided:

- a. CVC format for appointment, confirmation or extension to Board level posts as well as re-employment/contract appointment/empanelment & pre-mature retirement. It contains the following for 10 years, apart from personal details:
 - Penalty imposed
 - Charge-sheet issued
 - Disciplinary Action contemplated
 - Presence in Agreed List /ODI list
 - Pending criminal cases - PE, RC, Prosecution sanction, charge-sheet, criminal trial- of earlier period also
 - Examination of any misconduct involving vigilance angle
- b. MOC format for PESB interview

It contains the following for 10 years apart from Personal details:

 - Penalty imposed
 - Disciplinary action initiated
 - Disciplinary action being initiated
 - Agreed List for last three years
 - Pending criminal cases – PE, RC, Prosecution sanction, charge-sheet, Criminal Trial - of earlier period also
- c. CIL format for promotion, confirmation/absorption, retirement/resignation/VRS; foreign visits & other purposes at CIL level. It contains for last 5 years:
 - Penalty imposed
 - Disciplinary action initiated
 - Disciplinary action being initiated
 - Pending criminal cases- RC, Prosecution sanction, charge-sheet, criminal trial- even older than 5 years

IV. Criteria to be followed for deciding Vigilance clearance in CIL based on existing government guidelines and base practices in different organizations:

- a. Promotion, confirmation & absorption at CIL level –Vig Clearance to be denied in following cases:
 - Charge sheet in Vig Case issued
 - Prosecution in Criminal case initiated
 - Placed under suspension or deemed suspension
 - During currency period of penalty
 - Conviction on a criminal charge
- b. Vigilance clearance to be denied for screening of application to PESB & selection - following additional conditions will apply apart from those in (a) above as decided in CMDs' meeting held on 10.2.2015 & 18/19.4.2016:

- 3 years in minor penalty, 5 years in major penalty after currency period
- Officers who appears in Agreed List during the current year.
- Officers whose name appear in the FIR filed by CBI.
- Officer who is involved in a trap /raid case on charges of corruption and investigation is pending.
- Orders for instituting a criminal case against the officer have been issued by the Disciplinary Authority/ Management or FIR has been lodged against him by the Disciplinary authority/ Management.
- Officer against whom vigilance investigation has revealed any irregularity and decision has been taken to initiate action under CDA Rules pending issuance of formal charge sheet.
- Officer who have not submitted Annual Property Return of the previous year by stipulated date.

c. Release of retirement dues – to be guided by following:

- CIL OM No. CIL/VIG/05057/Part-I/2600 dated 22.2.2006
- CIL Memorandum no. CIL/VIG/2015/MK-3/Cong/1243 Date 10.09.2015
- CIL Office Order No. CIL/C-5A(PC)/CDA/58 dated 08.09.2011

d. Pre-mature retirement through review

- Total record of service to be considered
- A single case of major penalty finalized or in progress is not sufficient; it is to be supplemented by service records etc. .

e. Re-appointment/ contract appointment /empanelment

- All conditions of selection /screening guidelines as indicated in (b) above
- Warning/advisory/counseling/caution more than three times
- Officer against whom vigilance investigation has revealed any irregularity

f. Corporate Awards & Foreign visit for more than two weeks & any other purpose not mentioned in this section

- Same as promotion
- If decision has been taken to initiate DI (Disciplinary Inquiry)

g. Resignation

If any investigation is pending, resignation normally should not be accepted. However, resignation may be accepted in following cases:


- i) If allegations do not involve moral turpitude
- ii) Disciplinary proceeding not likely to end up in dismissal/removal
- iii) Disciplinary Proceeding likely to be protracted and it will be economical to accept resignation

h. Voluntary retirement

The acceptance of VRS may be generally given in all cases except these:

- a) When DI is pending or contemplated for a major penalty and Disciplinary Authority is of the view that penalty of removal or dismissal from service would be warranted in the case
 - b) Prosecution is contemplated or has been launched in court
- i. Forwarding of application for outside post
 - Conditions of promotion will apply
 - In addition, if any investigation is pending, same needs to be informed
 - Employee will not be released if charge sheet is issued or prosecution is launched in a court

This supersedes all existing instructions in this regard. This is issued with the approval of Chairman, CIL. If any clarifications on these guidelines is required, the matter may be referred to the undersigned.


31/5/16

(Manoj Kumar)
Chief Vigilance Officer

Distribution:

- i. All FDs
- ii. All CMDs
- iii. All CVOs
- iv. All Director (P) of subsidiaries
- v. TS to Chairman
- vi. GM (NEC)