

Coal India Limited

(A Govt. of India Enterprise)

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A Maharatna Company

VIGILANCE DIVISION

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Dated 11th October, 2014

MEMORANDUM

Subject: Handling of cases referred by CBI

It has been noted with concern that in some cases of CBI reference, there has been considerable delay in taking action after starting disciplinary proceeding or after conviction in the trial court. In order to streamline the process, the following guidelines may be followed strictly:

1. As CBI related cases have obvious Vigilance angle, all matters relating to disciplinary action on CBI report after investigation or after conviction should be handled by Vigilance Division of CIL/Subsidiary companies.
2. In light of CVC guidelines under para 10.6 of Special Chapter on Vigilance Management in PSEs, simultaneous Disciplinary Proceeding is being started after getting the CBI report. There is no legal bar in taking simultaneous departmental action along with criminal trial as the nature, purpose and procedure of two proceedings are different. Even if CBI does not explicitly recommend RDA against any employee against whom they propose to take criminal action, simultaneous disciplinary action is to be started so that expeditious disciplinary action is taken against employees under CDA Rules. The disciplinary proceeding including penalty thereon should be concluded expeditiously without waiting for the outcome of the criminal trial. As the CBI undertakes criminal trial only on grave charges, penal action in Departmental Proceeding has to be commensurate with the gravity of offence.
3. If CBI report of criminal conviction is received, the action will normally entail dismissal/removal and hence decision has to be taken at the level of Chairman, CIL. The report of CBI along with other details should be sent in such cases immediately by CVO/CMD of

subsidiaries without any waste of time to CVO, CIL for early decision by CMD, CIL. Any delay in reference to CVO, CIL will be viewed adversely. In case of non executive, competent authority will take action without waste of time.

4. If RDA has already been started before conviction but not concluded, RDA should be concluded within one month of receipt of CBI report positively. The CBI report along with IO's report and other details will be sent to CVO, CIL for further action. However, if for any reason, there is likelihood of delay of more than a month in concluding the Disciplinary Proceeding, the CBI report may be sent to CVO, CIL for action under Rule 34.1 of CDA Rules without waiting for conclusion of the Departmental Proceeding.
5. In case, simultaneous RDA had not been started against the concerned employee, the CBI report with other details may be sent to CVO, CIL for action under Rule 34.1 of CDA Rules.
6. In case, RDA was started earlier and punishment other than dismissal/removal/compulsory retirement was imposed before the conclusion of criminal trial, the CBI report should be referred immediately for action under Rule 34.1 or 37 of CDA Rules.
7. In RDA started out of CBI investigations, all documents/witnesses cited by CBI need not be listed in the charge-sheet because the standard of proof in two proceedings is different. These documents/witnesses should be judiciously selected which are sufficient to prove the charge. The charge sheet should be framed carefully to bring out charge under CDA Rules clearly.


(Chairman-cum-Managing Director)
Coal India Ltd.

Distribution

1. All FDs of CIL for information
2. All CMDs of subsidiaries
3. All CVOs of subsidiaries