

Vigilance Division
Coal India Limited

No. CIL/VIG/2015/MK-3/Conf/2826

dated 28.03.2017.

ORDER

SUBJECT: FINALISATION OF CASES OF CORRUPTION

It has been observed that in some subsidiary companies of CIL, disciplinary cases emanating from CBI or otherwise in matters of demand and acceptance of illegal gratification in connection with discharge of official duties and possession of assets disproportionate to known sources of income finally result in imposition of penalties other than removal or dismissal from service.

The matter has been examined in detail and it is clear that the said two types of misconduct are clearest forms of corruption and deserve imposition of strictest form of penalty. The proviso under Rule 11 of CCS(CCA) Rules clearly stipulates that in every case in which the charge of possession of assets disproportionate to known-source of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty of removal or dismissal from service shall be imposed.

The Hon'ble Supreme Court has also held that in cases involving corruption, there cannot be any other punishment than dismissal. [*Municipal Committee, Bahadurgarh vs Krishnan Behari, AIR 1966 SC 1249, Govt of Andhra Pradesh vs Ashok Kumar, 1997 Lab. IC (SC) 1353*]


In this regard, it has already been laid down in Memorandum No. CIL/VIG/2014-MK-3/Conf/1077 dated 11th October, 2014 that 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. Further it has been clarified vide No. 2015/33011/01/2364 dated 02.03.2015 that in cases where RDA for major penalty is started against the employee whom prosecution sanction has been granted, if at the end of inquiry, penalty other than dismissal, removal or compulsory retirement has been awarded, the entire case file should be sent to the office of CVO, CIL within 7 days for review by the Chairman, CIL.

Under CDA Rules of CIL, the decision regarding imposition of dismissal, removal and compulsory retirement for executives can be taken only by CMD, CIL. Hence in such cases, the CMD CIL will take decision of penalty to be imposed as Disciplinary Authority even if charge sheet is issued by CMD of subsidiary companies.

In view of the above, all disciplinary cases of executives relating to possession of assets disproportionate to known sources of income or demand and acceptance of illegal gratification for discharge of official duties initiated at subsidiary companies of CIL will henceforth be decided at CMD, CIL level as it is expected that such cases will normally result in imposition of the strictest form of penalty irrespective whether the employee has been convicted or is under trial or has not even been charge-sheeted by CBI. Accordingly, if the disciplinary action is initiated at subsidiary company level involving above mentioned charges against any executive, the case record may be forwarded to CIL with comments of CMD of subsidiary company for taking decision by CMD, CIL as Disciplinary Authority.

Moreover, the Chairman, CIL as superior Disciplinary Authority reserves the right to call for any other case for imposition of penalty at his level particularly the cases in which prosecution sanction has been granted.

Similar action may be taken in the case of non-executives by the Appointing Authority of the non-executive.


(Sutirtha Bhattacharya)
Chairman-cum-Managing Director
Coal India Limited

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