

No. C.31015/30/2016 - VIG
GOVERNMENT OF MIZORAM
VIGILANCE DEPARTMENT
MIZORAM SECRETARIAT BUILDING
KHATLA : AIZAWL

Dated Aizawl, the 30th August, 2016

OFFICE MEMORANDUM

Subject: Guidelines regarding grant of Vigilance Clearance to Government employees in Mizoram, other than promotion.

In continuation to Office Memorandum of even no dt. 12.8.2016, these guidelines regarding grant of Vigilance Clearance to employees of Government of Mizoram shall be applicable with respect to whenever Vigilance Clearance, other than for promotion is required, like (a) empanelment (b) any deputation for which clearance is necessary (c) appointments to sensitive posts and assignments to various posts under the Government of Mizoram.

2. The circumstances under which Vigilance Clearance shall not be withheld shall be under:
 - a) Vigilance Clearance shall not be withheld due to the filing of a complaint, unless it is established on the basis of at least a preliminary inquiry or on the basis of any information that the concerned Department may already have in its possession, that there is, prima facie, substance to verifiable allegations regarding (i) corruption (ii) possession of assets disproportionate to known sources income (iii) moral turpitude (iv) violation of the Central Civil Service (Conduct) Rules, 1964.
 - b) Vigilance Clearance shall not be withheld if a preliminary inquiry mentioned in 2(a) above takes more than three months to be completed.
 - c) Vigilance Clearance shall not be withheld unless (i) the officer is under suspension (ii) a chargesheet has been issued against the officer in a disciplinary proceeding and the proceeding is pending (iii) order for instituting disciplinary proceedings against the officer have been issued by the Disciplinary Authority provided that the chargesheet is served within three months from the date of passing

such order (iv) chargesheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending (v) orders for instituting a criminal case against the officer have been issued by the Disciplinary Authority provided that the chargesheet is served within three months from the date of initiating proceedings (vi) sanction for investigation or prosecution has been granted by the Competent Authority in a case under the PC Act or any other criminal matter (vii) an FIR has been filed or a case registered by the concerned Department against the officer provided that the chargesheet is served within three months from the date of filing/registering the FIR/case and (viii) The officer is involved in a trap/raid case on charges of corruption and investigation is pending.

- d) Vigilance Clearance shall not be withheld due to an FIR filed on the basis of a private complaint unless a chargesheet has been filed by the investigating agency provided that there are no directions to the contrary by competent court of law.
 - e) Vigilance Clearance shall not be withheld even after sanction for prosecution if the investigating agency has not been able to complete its investigations and file charged within a period of two years. However, such Vigilance Clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the parent cadre in case he is on deputation and not for any other dispensation listed in para 1 of this O.M.
 - f) Vigilance Clearance shall be denied to a Gazetted Officer if he fails to submit Annual Property Return of the previous year by 31st January of the following year, as required under Rule 18 of the CCS (Conduct) Rules, 1964.
3. In cases where complaints have been referred to the administrative authority concerned, and no substantive response has been received from such administrative authority concerned within three months from the date on which the reference was made, the Disciplinary Authority may provide a copy of the complaint to the officer concerned to seek his comments. If the comments are found to be prima facie satisfactory by the Competent Authority, Vigilance Clearance shall be accorded.
4. Vigilance Clearance shall be decided on a case-by-case basis by the

Competent Authority keeping in view the sensitivity of the purpose, the gravity of the charged and the facts and circumstances, in the following situations:

- a) where the investigating agency has found no substance in the allegation but the Court refuses to permit closure of the FIR.; and
- b) where the investigating agency/inquiry officer holds the charged as proved but the competent administrative authority differs, or the converse.

5. Vigilance Clearance will not normally be granted for a period of three years after the currency of the punishment, if a minor penalty has been imposed on an officer. In case of imposition of a major penalty, Vigilance Clearance will not normally be granted for a period of five years, after the currency of punishment. During the period, the performance of the officer should be closely watched.

6. While submitting proposals for Vigilance Clearance, the proposals shall clearly indicate the purpose for which Vigilance Clearance is required, otherwise, Vigilance Clearance shall not be issued.

7. All Departments are requested to submit Quarterly Report on Disciplinary / Criminal case to Vigilance Department regularly, otherwise Vigilance Clearance shall not be issued.

Sd/- K. VANLALRAWNI

Joint Secretary to the Government of Mizoram

Memo No. C. 31015/30/2016 – VIG : Dated Aizawl, the 30th August, 2016

Copy to :-

1. All Heads of Administrative Departments.
2. All Head of Departments.
3. Guard File.

Urâson 30/8/16
Joint Secretary to the Govt. of Mizoram
Vigilance Department