

## Vigilance Activities and Achievements

### 15.1 Vigilance Set-Up

**15.1.1** The Ministry of Coal exercises superintendence and control over the vigilance administration of 10 Public Sector Undertakings and one Autonomous Body under its jurisdiction as well as over the Ministerial staff. The vigilance set up of the Ministry is headed by a Joint Secretary-cum-Chief Vigilance Officer on part-time basis. He is assisted by a Director, an Under Secretary and a Section Officer. The Vigilance Wings of Coal India Limited, its subsidiaries, Neyveli Lignite Corporation and the Coal Mines Provident Fund Organization are headed by full time Chief Vigilance Officers. There are total 255 executives /non-executives in the vigilance organization of Coal India Limited /its subsidiaries, Neyveli Lignite Corporation and Coal Mines Provident Fund Organization.

**15.1.2** Being the watch-dog of coal and lignite Public Sector Undertakings and the Coal Mines Provident Fund Organization, the Ministry pays special attention to streamlining the procedures and practices prevailing in these organizations, while monitoring the functioning of the Vigilance Departments.

**15.1.3** Coal India Ltd is the holding company of 8 subsidiary companies spread over the States of West Bengal, Jharkhand, Orissa, Madhya Pradesh, Uttar Pradesh, Chattisgarh and Maharashtra. The

Vigilance Department of Coal India Limited coordinates the activities of the Vigilance Wings of its subsidiaries and also liaisons with the Ministry of Coal, Central Vigilance Commission and Central Bureau of Investigation.

### 15.2. Vigilance Awareness Week

A Vigilance Awareness Period was observed from 25th October 2010 to 1st November, 2010 in the Ministry of Coal, Coal India Limited, its subsidiary companies, Neyveli Lignite Corporation and Coal Mines Provident Fund Organization. As notified by CVC the main focus of observing Vigilance Awareness Period was generation of awareness and publicity against corruption. As a part of observance, a pledge was administered to all public servants. Banners/ posters were displayed. The coal companies organized interactive sessions and various other programmes on the issues of procurement, handling of grievances, material management, improvement of systems/procedures and transparency etc. during the Vigilance Awareness Period.

### 15.3 Preventive Vigilance

**15.3.1** In order to bring about transparency, uniformity and to streamline the procedures and practices in the sensitive areas of working of the Public Sector Undertakings, the following measures were taken for systemic improvement:-

- (i) A seminar on 'leveraging technology – e-procurement & reverse auction' was held on 27.10.10.

Chairman, FDs and CVO, CIL, CMDs and CVOs of Subsidiary Companies, G.M.(MMs) and Nodal Officers of CIL & Subsidiary Companies, officials of CIL Vigilance Division were present in the seminar. Among the guests were the Addl. Secretary (Coal), MoC, Vigilance Commissioner, CVC, Secretary, CVC and CTE, CVC. Service providers to CIL i.e. M/S. ITI, M/s. NIC, M/s. m-junction, M/s. MSTC and consultant earlier appointed by CIL to identify areas where IT technology leverage could be gainfully utilized i.e. M/s. Deolitte & Touches Pvt. Ltd. gave demonstration of their system module on e-procurement and reverse auction. Besides M/s. TCS also gave demonstration of their system.

#### **Implementation of Integrity pact (IP)**

A meeting of various CVOs of the Subsidiary Companies was convened by CVO, CIL on 09.08.10 to review the working of IP in CIL and Subsidiaries. CVOs of BCCL, CCL, MCL, WCL, NCL, CMPDIL and G.M.(MM), CIL were present in the meeting. After the decisions/resolutions/actions envisaged during the said meeting were approved by Chairman, CIL, CVOs of all the Subsidiary Companies were advised to take necessary action on the relevant matters. The salient points on which action is to be taken by Subsidiary Companies are as follows:-

- (a) CVOs of Subsidiary Companies have been requested to collect information in respect of cases where there have

been instances of getting the decision of management vetted by the IEMs before placement of orders.

- (b) The format in use in CCL for furnishing monthly report in respect of NITs under IP, starting from pre-NIT stage till completion of work is to be examined and implemented by all CVOs of Subsidiary Companies for proper information flow in respect of IP.
- (c) Each Subsidiary Company should take necessary steps to fix the threshold value of the contracts to be covered under IP in such a manner so as to cover 90-95% of the total procurement of the organization in terms of monetary value
- (d) Vendors meet should be organized at the Subsidiary level to create awareness and educate the vendors/contractors in respect of implementation of IP. CVOs of the concerned Subsidiary Companies should also be part of the Vendors meet for a wider and realistic compliance of principles of IP.
- (e) It is to be ascertained whether after introduction of IP number of complaints have reduced or not and the Subsidiary Companies are to carry out the exercise for last 2 years in comparison to preceding 2 years from the date of implementation of the IP.
- (f) As per Clause 3.04 of the SOP regarding implementation of the IP, purchase/ procurement Wing of the respective Subsidiaries/CIL

would be the focal point in respect of all Departments dealing with IP programme.

- (ii) Quarterly reviews were made of disciplinary proceedings pending for more than one year by JS & CVO of the Ministry.
- (iii) Identification of sensitive posts, periodic review and transfer of personnel occupying the sensitive posts with reference to CVC guidelines on the issue were carried out.
- (iv) Vigilance inspections in corruption prone areas of the industry such as tenders, electrical works, civil works, road construction, over burden removal etc. were carried out.
- (v) As a measure for systems improvement, 105 surprise checks were conducted in the Neyveli Lignite Corporation out of which 83 had resulted in vigilance cases and as a result, various circulars were issued regarding proper maintenance of stock registers, log books, e-payments, purchase orders, tenders, excess booking of lorry loads, contract conditions, proper record maintenances, preparation of realistic estimates, proper payment terms, material management etc by the Neyveli Lignite Corporation management.
- (vi) Similarly, CIL Vigilance issued various circulars regarding limiting the value of gift items, hiring of vehicles, booking of coal under e-auction, review of Integrity Pact etc.
- (vii) Guidelines were issued from time to time in different coal companies to bring in

more transparency and to bring down the areas of discretion or patronage.

## 15.4 SURVEILLANCE AND DETECTION

- 15.4.1 All Public Sector Undertakings under the administrative control of Ministry of Coal have identified and prepared the Agreed List of suspected officers for the year 2010-11 in consultation with the Central Bureau of Investigation.
- 15.4.2 During the year 2010-11, 13 cases were carried over as opening balance for investigation and 24 nos. of new regular investigation cases were taken up for verification of alleged irregularities in CCL. Action in respect of 25 investigation cases has been completed.
- 15.4.3 In ECL, 10 cases were taken up for investigation during the year, investigation in 10 cases were completed including the carried over cases. 15 surprise checks were carried out, of which 11 were taken up for investigation and finally 3 cases were converted into disciplinary proceedings. 548 employees were transferred from the sensitive posts.
- 15.4.4 In NCL, 63 cases were taken for investigation and 61 cases were completed. Further, 13 surprise checks were carried out.
- 15.4.5 In MCL, 15 new cases were taken up for investigation during the year. During the period investigation in 11 cases was completed and 12 surprise checks were also carried out.
- 15.4.6 In SECL, 66 cases were taken up for investigation and 33 surprise checks were carried out during the year.

**15.4.7** Five surprise checks and four CTE type inspections were conducted in the various Regional Institutes of CMPDI.

**15.4.8** In WCL, 22 cases were taken up for investigation, out of which 17 cases were completed. Further, 14 surprise checks were conducted.

**15.4.9** In BCCL, 30 cases were taken up for investigation, out of which 19 cases were completed. Further, 07 regular cases were registered by the CBI in BCCL during 2010-11. As many as 62 employees were transferred from the sensitive posts and 22 surprise checks were also conducted.

**15.4.10** In NLC, 334 cases were taken up for investigation, out of which 174 cases were completed. Further, 105 surprise checks were carried out, out of which in 83, cases action has been initiated.

## 15.5 PUNITIVE ACTION

The data regarding position of cases taken up for investigation, departmental inquiry, cases in which penalty was imposed, number of officials placed

under suspension, number of regular cases registered by the Central Bureau of Investigation in the coal companies and the Coal Mines Provident Fund Organization (CMPFO) is given below:-

Total cases taken up for investigation	633
Total cases of Departmental Inquiry	123
Total no. of Regular cases registered by CBI	20
Total no of officials placed under Suspension	20
Total no of cases in which major penalty was imposed	63
Total no of cases in which minor penalty was imposed	52

## 15.6 IMPORTANT ACHIEVEMENTS

Besides what has been indicated in the system improvements undertaken in the foregoing, an amount of ₹ 2, 04,076.32 was made in Jan. 2010 as per details given below:-

### 15.6.1 Recovery made from Vigilance Activities in 2010 is as under :-

Vigilance Ref No	Subject Matter of the case	Details of Recovery	Amount Recovered
INF-09/08	Irregularities in payment of HRA at Kolkata Sales Office	In a vigilance case (INF-09/08) regarding Irregularities in payment of HRA at Kolkata Sales Office recovery of ₹ 3402000 was shown in 2008. As per latest report received in this respect total recovery in this case stands at 3606076.32 leaving balance of ₹463192.91. Recovery of ₹204076.32 (3606076.32 – 3402000.00) is shown in the reports for Jan 2010.	Rs.204076.32

### 15.6.2 Monetary gain to Company due to vigilance activities in 2010

- (1) Computerization of the entire process of e-auction by way of booking optimum quantity from a point at highest price, has resulted in overall increase of 9.66% (on the %age increase over notified price) when compared to the increase in 2010-11 (April, 10 to Jan.11) over the corresponding period of 2009-10 and on actual dispatch basis, **there has been an increase of sales realization of around ₹ 5 crore on this count.**
- (2) Due to concerted and constant efforts of Vigilance Department in the matter of wagon loading, the under-loading charges as penalty being paid to Railways has come down from Rs.882.31 lakhs (Rs.7.51 per tonne) during the period April, 2009 to December, 2009 to Rs.460.73 lakhs (Rs.3.67/ tonne) during the period April, 2010 to December, 2010, a **net gain of Rs.421.58 lakhs.**

**Office automation of Vigilance Department, ECL**  
To introduce office automation in Vigilance Department the proposal of introduction of standard Vigilance software was administratively approved by CMD and formal order was issued on 7.1.2010. Software with necessary hardware was supplied

on 30.6.10 and the Software was inaugurated by Director (T) in presence of Director (P) and all HoDs of ECL HQ on the inauguration day of Vigilance Awareness Period on 25.10.10. **The software is now under implementation. This software is having facility of linking with CVC, CIL and MOC so that they can access the IVIS of ECL to monitor the cases referred by them. Trial run of the same is in progress.**

### 15.6.3 On-line Registration of Complaints

For the first time in MCL, a new system for On-line Registration of Complaints has been implemented. Now the complainants can download the complaint format from MCL's website and can send their complaints in the prescribed format through e-mail to CVO, MCL.

### 15.6.4 Details of Sanction of Fund to NGOs

Details of Sanction of Fund to NGOs since January 2009 has been made available on MCL's website and the concerned department has been advised to update the status on regular basis.

**15.6.5 E- Tendering with reverse bidding** - In compliance to the instruction of CVC regarding leveraging of Technology to curb corruption, **e-tendering with reverse bidding** has been introduced in CCL with effect from April'2010. **Central Coalfields Limited is the only subsidiary of Coal India Limited which has adopted**

**reverse bidding through e-tendering for all transportation contracts for the first time.** Till date around 43 numbers of NIT has been floated/ invited through e-tendering through reverse bidding systems relating to transportation work.

**15.6.6 E-Procurement** – In compliance to the instruction of CVC regarding leveraging of Technology to curb corruption, e-procurement has been introduced in CCL w.e.f April'2010. Twelve cases of procurement have been taken up by e-procurement mode upto Nov.'10, using the portal of Service Provider for e-procurement in order to make award of procurement/ service contracts more transparent.

**E-Payment** - After rigorous follow-up and interaction of CCL Vigilance, e-payment has been introduced and fully implemented at CCL, HQ & Areas of CCL. Approximately 95.69% payment have been made through e-payment mode in the CCL HQ as well as Areas.

**Integrity Pact** – CCL has signed a MOU with Transparency International India in order to implement the Integrity Pact programme in CCL. It has been adopted in all such tenders which require the approval of CMD / Board or Directors of CCL. Till Dec.'2010, 200 Nos(approx) of NITs have been floated under the IP Programme since adoption of IP Programme in CCL.

**Extent of IT usage and the e-governance**  
- Most of the NITs, Tender Documents, CIL Purchase & Contract Management Manuals, Certified Standing Orders, CDA

Rules, Coal Mines regulation 1957, RTI Act 2005 and other important notifications & information have been made available on CCL web site in compliance to the directives of CVC. Apart from above, following other information have also been uploaded on CCL web-site:-

- Details of bill status of CCL, HQ.
- Information regarding coal dispatch.
- List of Coal customers.
- Information/ guidelines regarding e-auction, Forward e-auction & Modified Forward e-auction.
- Delegation of Power in respect of Board Level executives, Area CGM/GM and different HODs/ executives of CCL.
- Global Seniority of executives.
- Details of Appellate Authority & PIO/ APIO.
- Company residential quarter occupancy status.
- Information/ notices regarding employment.
- CCL Annual Report for year 2006-07, 2007-08 & 2008-09.
- Details of Safety Policy and status of the Company.
- Details of daily production report.
- Vendor wise coal lifting details and refund details.
- Leave Rules.
- Category wise manpower of CCL.
- Grievance redressal system.
- CVC circulars.
- Inventory of Critical Items and non-moving items in various stores along with LPP.

- List of DGMS approved items.
- List of Centralised items.

**Publication of Compendium of Circulars by Vigilance Department** - A notable achievement in preventive vigilance was the publication of a “Compendium of Circulars” by Vigilance Department during Vigilance Awareness Week 2010. This compendium comprises of CVC Circulars / guidelines, Internal Circulars and different Case Studies. A copy of the compendium has been made available to all the executives of the CCL as well as the same has been uploaded in the CCL web-site.

**Structured Meeting of CVO with CEO** - In compliance to the instruction of CVC, Structured Meeting of CVO with CEO is being held already. Four structured Meetings were organized during the period 1.1.2010 to 31.12.2010 and various important issues like E-Tendering, E-Procurement, E-Payment, Linking of all the Regional Stores with Central Stores and CCL, HQ., Preparation and adoption of E&M Manual, Uploading of information on CCL web-site and Establishing Quality Control Cell of Civil Engineering Deptt. were deliberated and prompt action undertaken.

**System improvement in cases of civil work for repairing/construction of road**

The following steps has been suggested for system improvement in cases of civil work for repairing/construction of road.

- (i) The eligibility criteria in the NIT for Civil Work should indicate the requirement of experience of tenderer in the particular field for which the

NIT is issued.

- (ii) Inclusion of the official who prepared the NIT/estimate, as a Tender Committee member, should be avoided.
- (iii) The estimate of work for “repairing/construction of road” should indicate the minimum required strength of stone as per different sizes and the necessary properties of bitumen to be used.
- (iv) As regards Civil repair/construction jobs, Quality Assurance Check as per Civil Engg. Manual of CIL should be carried out by Civil Engg. Dept of respective Area at different stages of execution of work and one copy of each Check should be kept in the concerned processing file for each repair work.
- (v) Comparative statement of the offers, in respect of NIT for Civil Repair/Construction jobs, should clearly indicate the details of the jobs considered as work experience along with the value.

**Important decision of Central Information Commission on the issue of disclosure of movement/tour details and T.A. bills of the officers/officials working in the Vigilance Department.**

Under Secretary and nodal CPIO of CVC has issued a circular No. 26/07/010 dt. 15.07.10 on the subject of Disclosure of movement/tour details of the officers/officials working in the Vigilance Department of Government organisations.

Central Information Commission's decision dt. 16.09.2009 in case No. CIC/AT/A/2009/000100 in the case of CVO, CIL and DGM(Vig), CIL Vs. Shri M.N. Ghosh. the issue of disclosure of movement/tour details and T.A. bills of the officers/officials working in the Vigilance Department of the Govt. organizations has been considered/debated by the Central Information Commission.

(1) Central Information Commission in its decision has observed that :

“ I agree with the review-petitioners, given the specific circumstances and conditions surrounding the set of information now requested by the appellants, viz. tour details, vehicle logbooks, purpose of visits, overtime payments, etc. no public interest is served by their disclosure. On the contrary there is a distinct possibility that disclosure of this information will compromise the functioning of the Vigilance officers the review-petitioners and not only expose them to physical risks and intimidations, but impair their ability to carry-out their sensitive assignments. Certain level of protection needs to be given to such officers even in respect of disclosure of ordinary looking information for what is seemingly ordinary assumes the characteristics of the extraordinary in specific circumstances and conditions, which according to me, are present in this case”.

“As has been explained by the review-

petitioners, in the circumstances and the atmosphere in which they work and the specificity of their sensitive assignment, the requested information had the potentiality of endangering the officers life and their physical safety, apart from leading to identification of the source of information or assistance given in confidence for discharge of their law-enforcement functions as Vigilance Officers.”

(2) The Central Information Commission had, on the basis of above observations decided that movement/tour details and T.A. bills of the officers/officials working in the vigilance departments of the Govt. Organization should not be disclosed, keeping in view the provisions contained under Section 8(1)(g) of the RTI Act.

(3) Under Secretary and nodal CPIO has communicated to CVOs vide circular No. 26/07/010 dt. 15.07.10 to bring above quoted decision to notice of all the CPIOs /Appellate Authorities of their organization, who may consider the Central Information Commission's decision, while deciding about the RTI Applications seeking tour/movement details of the officers/officials working in the Vigilance Organisations.

The complete decision of the Central Information Commission in the Case No. CIC/AT/A/2009/000100 is available in its website, [www.cic.gov.in](http://www.cic.gov.in).



**(4) Regarding Use of Office Order as a rationale to pave the way for disbursement of TA/DA/Medical bills of those who are not covered in the Office Order**

Letter No.CAL/RSO/RSM/249 dated 28.10.09 revealed that Regional Sales Office(WB), CIL had in its Pay Roll, 108 employees at that point of time including six executives. Some of them were posted in CIL (HQ), some of them were posted at CIL Mktg. Divn., and the rest were directly under the administrative control of RSO (WB) and placed at Regional Sales Office (WB). Payment of salary for all the 108 employees under the roll of RSO (WB), was disbursed by Regional Sales Office (WB), CIL. However TA/DA/Medical etc, in respect of the employees of RSO (WB) posted at Mktg. Divn, CIL, are disbursed by the pay office of Mktg. Divn. For others including those who are posted at CIL (HQ), such allowances are disbursed by pay office of Regional Sales Office (WB). Regional Sales Manager is the Controlling Authority/HOD of RSO (WB) Based on the above information copy of the competent approval/Office Order, authorizing disbursement of TA/DA/Medical etc from pay office of Mktg. Divn., CIL, in respect of the employees of RSO (WB), CIL, posted at Mktg. Divn., CIL, was sought vide this office letter No. CIL/VIG/VD-194/363 dated 07.08. 10.

It was mentioned in the Office Order dated 13.07.95 forwarded by letter No. CIL/RSO/(WB cell)/404 dated 30.08.10 that miscellaneous payments (Tour advance/TA, DA/any other miscellaneous payments) pertaining to 24 non-executives, who were transferred from RSO, WB cell to Marketing division, CIL, would be made from Marketing Division, CIL and hence the said Office Order dated 13.07.95, which was specific to only 24 non-executives. It appears that the said Office Order was used as a rationale to pave the way for disbursement of TA/DA/Medical bills of two executives from Marketing division, CIL.

The above aberration has been communicated to Director(Marketing), CIL vide this office letter no. CIL/VIG/VD-194/833 dated 13.12.10 for scrutiny from administrative viewpoint. Director(Marketing), CIL has been requested to initiate necessary system improvement measures and intimate this office about the action/initiative taken.

5. System improvement measures regarding global tenders for procurement.

**Upon going through the Investigation in respect of the alleged irregularity relating to global tender for procurement of Self Rescuer by CCL, Central Vigilance Commission have advised the following System Improvement Measures:-**

- (1) **Authenticity of collaboration documents submitted by a firm with a foreign partner is to be ascertained and legal**

opinion taken to establish the authenticity before placing any order on a firm having foreign collaboration.

- (2) Confirmation in writing regarding authenticity of copies of supply orders enclosed by the firm have to be obtained from the purchaser for ascertaining the price reasonableness and obtaining the same over telephone will not suffice.
- (3) The format of integrity pact should invariably be available in all the tender notices issued by CIL and its subsidiary companies.
- (4) The Tender Committee members should sign the minutes of the tender proceedings mentioning their date of signatures also.
- (5) Information published by the manufacturers in websites cannot be out right set aside, without seeking any clarification from the party concerned as these claims are made by the manufacturers in public domain and cannot be treated as unauthentic. In case of difference of parameters submitted by the party in writing to that of the information posted by the manufactures on web. sites, clarification should be sought to ascertain the submission made by the manufacturers. Also, adequate care should be taken while drafting the NITs as in the

instant case the term 'shelf life' had been stated as 'self life' in the NIT.

The above have been communicated to Dir.(Tech.), CIL vide no. CIL/VIG/ VD No.-550/50(CVC)/882 dated 22.12.10. for action.

Updated Reports of Vigilance Status:-

Copy of a circular issued in this connection vide no. CIL/VIG/05250. Vig. St/880 dated 22.12.10 is reproduced here under:

In terms of Office Memorandum no. CIL/C-5 (A)/(ii)/50972(Pt.)/1260 dated 02.11.1992 of GM (P), CIL, the vigilance status report issued by Vigilance Division of CIL and the Subsidiary Companies in respect of executives remain in force for six months uniformly from the date of issue unless otherwise reported against in the meanwhile depending upon developments subsequent to the date of issue of the last status report. However, non-communication of any subsequent change in the vigilance status within the said period of six months may cause deprival / benefit to the concerned officer(s) particularly in so far as the matter related to promotion is concerned. It is as such of paramount importance that any change in the vigilance status of an official within six months of furnishing the same, must be communicated forthwith to Personnel Division, CIL for taking the same into consideration while dealing with relevant matters.

In this connection a reference is also drawn to this office communication no. CIL/VIG/CCL/VD-55 (CH)/SNB/357 dated

23.09.2009 addressed to D (P&IR), CIL with copies to CMDs of Subsidiary Companies conveying approval of Chairman, CIL that copy of the memoranda issued under Rule 29 or 31 of Coal India Executives CDA Rules, 1978 (as amended upto April, 2000) by Disciplinary Authorities of Subsidiary Companies of CIL are to be marked to Personnel Division, CIL amongst others for preparing data bank and the data bank may be referred before processing cases of promotion to ensure a foolproof system.

Apart from referring to the data bank in respect of memoranda issued, Personnel Division, CIL may specifically ensure, before issuing promotion orders, that the latest status is obtained particularly in respect of such officer(s) against whom disciplinary cases have been shown as pending in the vigilance status furnished by Vigilance Division of CIL and the Subsidiary Companies. It may also be noted that the validity of six months should be reckoned from the initial date of furnishing the vigilance status by Vigilance Division of CIL and the Subsidiary Companies irrespective of communication of any subsequent changes / modifications thereof within the validity period.

#### **Verification of end use of coal supplied to state of Nagaland**

Verification report sent to MOC vide no. CIL/VIG/NEC/VD\_29(M)/298 dated 26.07.10 in respect of alleged irregularities in sale of coal meant for consumers of small scale sector in Nagaland contains proposal for system improvement for verification of genuine end use of coal supplies to the state of Nagaland by NEC through collection of

information from the state in similar way as urged by Chairman, CIL through his letter dated 02.07.10 to CMDs of subsidiaries.

#### **Exploring possibility of exempting CMD, CIL from personal appearance before CBI Trial Court as Prosecution Witness**

The matter regarding exempting CMD, CIL from personal appearance before CBI Trial Court as Prosecution Witness and Prosecution Sanctioning Authority under PC Act 1988 was taken up with CBI. An extract from the communication made to SP, CBI/ACB, Jabalpur vide letter No. CIL/VIG/VD-57(CBI)/322 dated 15.07.09 is reproduced hereunder:-

#### **Quote :**

..... CMD, CIL being the Appointing Authority of executive grade employees in CIL and its Subsidiary Companies (totaling a very large number) has to issue a considerable no. of prosecution sanctions against such employees against whom criminal culpability vis-à-vis PC Act prima-facie appear in CBI's report. CMD, CIL being head of the organization remains awfully occupied with number of meetings with the Central and State Government authorities, parliamentary committees, foreign trades and similar other assignments within and outside the country. It, therefore, becomes practically difficult for him to appear in person before the trial court as a PW in all such cases where prosecution sanction was accorded by him.

It may be appreciated that the requirement of personal appearance of the Prosecution Sanctioning Authority in the trial court may

not be necessary if the application of mind of the Sanctioning Authority, satisfying himself on the grounds warranting prosecution of the employees under his control is visible and convincing from the prosecution sanction order. At best, the authenticity of the prosecution sanction order may be required to be established, which can be met by identification of the signature of Sanctioning Authority by the dealing official of the matter in CIL before the Hon'ble trial court.

In view of the foregoing, possibility may be explored so that CMD is exempted from personal appearance before the trial court as a PW as the prosecution sanction order issued by him invariably covers the grounds and reasonableness warranting him to issue the Prosecution Sanction Order under Sec. 19(1)(c) of PC Act, 1988.

**Unquote :**

Copy of the above mentioned letter dated 15.07.09 was also endorsed to SP, CBI, ACB, Nagpur/ Raipur/ Bhubaneswar/Bhopal/ Kolkata/Assam with similar request.

Subsequently, JD/CBI/Patna Zone, while requesting for sanction order for prosecution has agreed to the following which is extracted as below

**Quote :**

case the sanctioning authority is very sr. officer, name, designation, full official and residential address and telephone/fax address of one competent and relevant officer/official who will be able to prove the sanction order for prosecution in the court of law by proving the signature of the sanctioning authority and also the application of mind by the sanctioning authority may be provided.

**Unquote :**

Accordingly, while forwarding the Prosecution Sanctions to JD/CBI/Patna given by CMD ,CIL, name of the relevant official of Vigilance Division who would prove the signature of the Sanctioning Authority in the court of law, if required, along with his office/residential address, telephone numbers, etc. are indicated.

This is also being followed when prosecution sanctions given by CMD/CIL are forwarded to all other zones of CBI.

**15.7 Issue relating to appearance of award of warning/caution to the charged officers in the vigilance status furnished to MOC.**

The above issue was raised by CVO, CIL during interactive session among CVC, MOC, CIL & Subsidiary Companies held in July'08 at IICM, Ranchi. In response the Vigilance Commissioner, CVC opined that warning or caution issued after conclusion of disciplinary proceedings is not to be considered as 'Censure' and should not cloud vigilance status of the concerned employee and affect his career growth.

Thereupon the matter was discussed with MOC and MOC has revised the format as per which vigilance status is required to be furnished to MOC for selection to Board level posts. Acceding to the new format, 'penalty imposed, if any during the last 10 years' is to be furnished and 'warning/caution' being not categorized as punishment under CDA Rules are not required to be shown against the said head. A clarification in this regard has also been issued vide No. CIL/VIG/VD-1854(M)/921 dated 31.12.10 addressed to CVO, CCL with copies to CVOs of other Subsidiary Companies.