

Frequently Asked Questions (FAQs) in respect of AVD-I

S.No.	FAQs	Answers
I - Disciplinary matters		
Q.1.	Who is competent to suspend an IAS officer?	The Government in connection with whose affairs the officer is serving.
Q.2.	Who is competent to institute departmental proceedings against an IAS officer?	The Government in connection with whose affairs, the officer was serving at the time of alleged misconduct.
Q.3.	Whether Central Government/Ministries/ Departments are competent to suspend/institute departmental proceedings against an IAS officer?	No. However a determination to institute the proceedings has to be made by the administrative ministry/department concerned on the basis of preliminary explanation of the officer and advice of CVC(if vigilance angle is involved) at the level of their Minister-in-charge, before sending the proposal to Department of Personnel & Training.
Q.4.	To whom an appeal against an order of suspension lies?	An appeal against order of suspension issued by the State Government lies with the Central Government. However, no appeal lies against an order of suspension issued by the President/Central Government.
Q.5.	Whether an appeal, review, revision, memorial lies against a charge sheet?	No.
II - Prosecution sanction		
Q.1.	Who is competent to grant sanction for prosecution against an IAS officer for offences under the IPC?	The Government in connection with whose affairs the officer is serving.
Q.2.	Who is competent to grant sanction for prosecution against an IAS officer for offences under the PC Act,	Central Government alone is competent to take a view. However, if the criminal misconduct pertains to the period when the officer was

1988?

working in connection with affairs of State, a recommendation has to come from the State Government.

Q.3. What is the time period for grant of sanction for prosecution against IAS officers?

As per Supreme Court's verdict in Vineet Narain's case, sanction for prosecution is to be issued within a period of three months.

Q.4. Whether sanction for prosecution can be granted at a private complaint?

Yes, if a prima facie case is made out for grant of sanction for prosecution.

III-Sanction for investigation under section 6A of DSPE Act, 1946

Q.1 Who is competent to grant previous sanction of the Central Government u/s 6A of the DSPE Act, 1946?

Central Government Ministries/Departments where the officer is working [unlike section 19(1) of the PC Act, 1988, there is no concept of "who so ever is competent to remove/dismiss" in determining the competent authority]

Q.2 Whether previous sanction of the Central Government u/s 6A of DSPE Act, 1946 is required for arrest of a person on the spot accepting or attempting to accept bribe?

No.

IV- Vigilance clearance

Q.1. Whether guidelines contained in DoPT's OM No. 104/33/2005-AVD-I dated 29/10/2007 are applicable to promotion?

No. The scope of application of OM dated 29/10/2007 is given in para 1 of the said OM. [Sealed Cover Procedure laid down pursuant to Hon'ble Supreme Court's judgement in K.V. Janakiraman's case is to be followed in case of grant of vigilance clearance for promotion.]

Q.2. Whether vigilance clearance can be denied on a complaint?

No, unless a prima facie case of (i) corruption, (ii) disproportionate assets, (ii) moral turpitude or (iv) violation of conduct rules, is made out.

Q.3. Whether vigilance clearance can be denied during

Vigilance clearance on a preliminary inquiry can be denied for a period of

preliminary inquiry?

three months only.

Q.4. Who is competent to grant vigilance clearance in respect of IAS officer?

DOP&T with the approval of AS(S&V)/Secretary(P).

V- Complaints against IAS officers

Q.1. To whom a complaint against an IAS officer can be addressed?

If an IAS officer is serving in connection with the State Government, the complaints should ordinarily be addressed to the Chief Secretary, Principal Secretary (General Administration Department) in the State Government, the State Government being the authority competent to take action against him. In respect of IAS officers serving at the Centre, the complaint can be addressed to Secretary(P)/Additional Secretary(S&V)/Joint Secretary(V).

Q.2. Whether any action is to be taken on anonymous/pseudonymous complaints?

As per CVC's instructions, no action is to be taken on anonymous/pseudonymous complaints and such complaints need to be filed. However, if an anonymous/pseudonymous complaint contains allegations of verifiable nature, the existing instructions issued by Department of Personnel & Training permit action on such complaint with the approval of head of department.

Q.3. To whom a whistleblower complaint should be filed?

The complaint under PIDPIR are to be filed with the designated authority for receiving such complaints i.e. the Central Vigilance Commission.