

KONKAN RAILWAY

DOCUMENT NO. VIG-POL-001

VIGILANCE COMPLAINT HANDLING POLICY

REVISION NO.	0		
DATE OF ISSUE	Oct. 2023		
TOTAL NO. OF PAGES (INCLUDING COVER SHEET)	9		

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(FOR REVISION SEE REVISION CONTROL SHEET)

REVISION CONTROL SHEET

Oct. 2023

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DOCUMENT TYPE : VIGILANCE GUIDELINES

DOCUMENT NO. : VIG-POL-001,

TITLE : VIGILANCE COMPLAINT HANDLING POLICY

REV. NO. & DATE	DESCRIPTION OF REVISION	PREPARED BY NAME & SIGNATURE	APPROVED BY NAME & SIGNATURE
-	-	-	-

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1.0 INTRODUCTION

Anti-corruption measures of the Central Government are responsibility of

- (i) The Central Vigilance Commission (CVC)
- (ii) Administrative Vigilance Division (AVD) in the Department of Personnel & Training.
- (iii) Central Bureau of Investigation (CBI).
- (iv) Vigilance units in the Ministries/ Departments of Government of India, Central Public Sector Enterprises and other autonomous organizations i.e. the Department.
- (v) Disciplinary Authorities and
- (vi) Supervisory Officers.

[\[IRVM para 201 and CVC Vigilance Manual Para 1.1\]](#)

The AVD is concerned with the rules and regulations regarding vigilance in public services. The SPE wing of the CBI investigates cases involving commission of offences under the Prevention of Corruption Act, 1988 against the public servants and other misconducts allegedly committed by the public servants having vigilance overtones.

The disciplinary authority has the overall responsibility of looking into the misconducts alleged against, or committed by, the public servants within its control and to take appropriate punitive action. It is also required to take appropriate preventive measures so as to prevent commission of misconducts/malpractices by the employees under its control and jurisdiction.

The Central Vigilance Commission acts as the apex organization for exercising general superintendence and control over vigilance matters in administration and probity in public life.

The Vigilance Organization on Indian Railways is headed by Principal Executive Director (Vigilance), (herein after will be referred as "PED-Vig & CVO-IR"), who is the Chief Vigilance Officer, Ministry of Railways, and acts as an advisor to the chief executive in all matters pertaining to vigilance. He is a link between the Ministry of Railways and CVC.

In Konkan Railway, the Vigilance Organization is headed by CVO, who is also designated as the Chief Vigilance Officer (CVO) of the Konkan Railway, who is the head of Vigilance Organization in Konkan Railway. He works as per technical directions and supervision of PED-Vig & CVO-IR on Vigilance matters. Konkan Railway (herein after will be referred as "KRCL") is PSU, which consists of two regions viz. – Ratnagiri & Karwar & other KRCL-Units in Geographical jurisdiction of KRCL. CVO of Konkan Railway

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(herein after will be referred as “ CVO-KRCL”) acts as an advisor to the CMD, Konkan Railway in all matters pertaining to Vigilance.

2.0 GENERAL DESCRIPTION

2.1 COMPLAINTS

The Vigilance Department of Konkan Railway is responsible for conducting investigation of complaints against the officials of KRCL while discharging their official duties, wherein allegations of corruption and/or vigilance angle are involved.

The vigilance angle is obvious in case/s of demand and acceptance of illegal gratification, misuse of official position, possession of assets disproportionate to his known sources of income, cases of misappropriation, forgery or cheating. Vigilance angle may also be present in cases of gross and willful negligence, blatant violation of laid down systems and procedures, reckless exercise of discretion, any undue/unjustified delay in disposing of a case, etc. [IRVM Para 512].

2.2 CVC Guidelines

The Complaints will be dealt as per the guidelines of the Central Vigilance Commission (herein after will be referred as “CVC”) and Indian Railways Vigilance Manual (herein after will be referred as “IRVM”) issued and as amended from time to time.

Based on the latest complaint handling policy & circulars of the CVC, Vigilance Manual issued by CVC and Indian Railways Vigilance Manual (IRVM), the policy of dealing with the Complaints in Konkan Railway has been drawn. It is desirable that the complaint handling policy be studied before lodging a complaint.

3.0 Jurisdiction of Vigilance Department of Konkan Railway

Complaints can be lodged against the officials of Konkan Railway, who are involved in corrupt practices while discharging their official duties. The Vigilance department of Konkan Railway has no jurisdiction over private persons, other government departments and other Zonal Railways and Organizations of Indian Railways.

4.0 Lodging of Complaints

4.1 The complaints regarding the alleged corruption by the employees of Konkan Railway while discharging their official duties, should be addressed to the – Chief Vigilance Officer, Konkan Railway, Third floor, Belapur Bhavan, Sector 11, CBD Belapur ,Navi Mumbai,400614 directly and may not be marked as copy to –Chief Vigilance Officer, Konkan railway. [CVC Vigilance Manual Para 3.4.2(iii)].

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- 4.2 The complaint should be signed and contain the name and complete postal address of the complainant with specific details/information of the matter. [\[CVC complaint policy and IRVM Para 509.1\]](#).
- 4.3 As the Vigilance Department deals only with the matters of corruption, redressal of grievances should not be the focus of the complaints made to the -CVO-KRCL [\[CVC Vigilance Manual Para 3.3.1\(iii\)\]](#).
- 4.4 Complaints sent on any e-mail ID of officers of the vigilance department will not be entertained or taken cognizance of by the vigilance department. In this regard, it is clarified that if duly signed complaint by the complainant containing verifiable allegations, involving prima facie vigilance angle, is conveyed via enclosures of an e-mail, such complaint shall be dealt as per Para 5 below. On the other hand, if allegations are plainly exchanged in the main body of an e-mail without any signed enclosures, such complaints shall not be given cognizance and simply filed (no action taken). [\[IRVM Para 514.10 and clarification issued vide Railway Board's letter No. 2019/V-1/IRVM/1/2 dated 29.07.2022\]](#).
- 4.5 Complaint sent through any means other than the above, like Whatsapp, mobile messages etc. will not be entertained or taken cognizance of by the Vigilance department.
- 4.6 **Lodging of Whistle Blower Complaints under Public Interest Disclosure & Protection of Informers Resolution (PIDPIR) 2004:**
- 4.6.1 If a complainant desires to keep his/her name secret, he/she should lodge a complaint under "Public Interest Disclosure & Protection of Informers Resolution (PIDPIR) 2004" (herein after will be referred as "PIDPIR"), popularly known as Whistle Blower Provision [\[CVC complaint policy\]](#). Government of India has authorized the Central Vigilance Commission, as the Designated Agency, to receive written complaints under PIDPIR [\[CVC vigilance manual Para 3.3.1\(x\)\]](#). The CVC vide Office Order No. 33/5/2005 dated 17.05.2004 issued guidelines and Public Notice on the procedure to be followed for filing whistle-blower complaints under the PIDPI Resolution, 2004 [\[CVC vigilance manual Para 4.1.2\]](#).
- 4.6.2 Such complaint should be in a closed/ secured envelope. The envelope should be addressed to Secretary, Central Vigilance Commission and should be super-scribed "*Complaint under The Public Interest Disclosure*" or "*PIDPI Complaint*". [\[IRVM Para 504.3 and CVC vigilance manual Para 4.2.1\(a\) & \(b\)\]](#).
- 4.6.3 Such complaints may also be lodged directly with the other nominated Designated Authorities concerned. The Principal Executive Director (Vigilance) & Chief Vigilance Officer, Ministry of Railways, Rail Bhavan, Raisina Road, New Delhi – 110001, is the nominated Designated Authority to receive the complaints filed under PIDPIR for all units of the Indian Railways including Konkan railway. It is clarified that - CVO-KRCL is not the

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Designated Authority to receive the Whistle Blower complaints (the complaints filed under PIDPIR).

- 4.6.4 The complainant should give his/her name and address in the beginning or end of the complaint or in an attached letter. [\[IRVM Para 504.3\(ii\), CVC Vigilance manual Para 4.2.1\(b\)\(i\)\]](#)
- 4.6.5 The text of the complaint should be carefully drafted so as not to give any details or clue as to the complainant's identity. However, the details of the complaint should be specific and verifiable. [\[IRVM Para 504.3\(iv\), CVC Vigilance manual Para 4.2.1\(d\)\]](#)
- 4.6.6 However, any such complaints directly received by CVO-KRCL from the complainant will be forwarded to the Designated Authority for Ministry of Railways i.e. PED(Vig) & CVO-IR, Ministry of Railways for further necessary action without opening the envelope [\[IRVM Para 504.6\]](#).
- 4.6.7 Action may be taken against complainants making motivated/vexatious complaints under PIDPI Resolution [\[CVC Vigilance Manual Para 4.2.1\(f\)\]](#).

5.0 Action on the complaints received by CVO-KRCL:

- 5.1. Only those complaints which are within the jurisdiction of CVO-KRCL and contain the allegations of corruption and/or having vigilance angle will be investigated/dealt by the Vigilance department of Konkan Railway.

The complainants are advised to give their proper name, postal address and contact details while lodging complaints. This is required for obtaining confirmation from the complainant in terms of CVC's circular No. 01/01/2015 dated. 23.01.2015. A letter will be sent to the complainant for owning/dis-owning the complaint (Verification of Genuineness). No enquiry/investigation would be initiated on complaints without receipt of confirmation from the complainant on any complaint. [\[IRVM Para 508.1 and 509.5\]](#).

- 5.2 If the complaint is against such an official, who comes under the purview of Railway Board, Ministry of Railways, then the same will be forwarded to PED-Vig & CVO-IR for further necessary action. [\[IRVM Para 109.6.1\]](#).
- 5.3 PIDPI complaints directly received by CVO-KRCL from the complainant will be forwarded to the Designated Authority for Ministry of Railways i.e. PED-Vig & CVO-IR, for further necessary action without opening the envelope [\[IRVM Para 504.6\]](#).
- 5.4 If the complainant has requested to keep his/her name secret in the body of the complaint, then complaint will be filed (no action taken) and the complainant will be informed to lodge in the Complaint under PIDPIR as described in Para 4.6 above. [\[CVC Vigilance Manual Para 4.2.2\(d\)\]](#).
- 5.5 If the complaint is found to be not pertaining to KRCL, then the same will be forwarded to concerned Zonal Railway/PU for further necessary action.

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- 5.6 Complaint containing allegations devoid of any vigilance angle or allegations which are administrative in nature or containing requests for grievance redressal, will be forwarded to the administrative department concerned for necessary action [IRVM Para 514.4, 516.6(iv) and CVC Vigilance Manual Para 3.4.3(a)(i)].
- 5.7 If the matter raised in the complaint does not pertain to Railways, then such complaints would be filed (no action taken).
- 5.8 Complaints which are against private persons, officials of private organizations and other government departments, shall not be entertained and shall be filed (no action taken). [CVC Vigilance Manual Para 3.3.1(vii)]
- 5.9 Complaints sent on any e-mail ID of officers of the vigilance department without a signed complaint (duly signed by the complainant) in the enclosures of email, will not be entertained or taken cognizance of by the vigilance department. Such complaint shall be filed (no action taken) [IRVM Para 514.10 and clarification issued vide Railway Board's letter No. 2019/V-1/IRVM/1/2 dated 29.07.2022].
- 5.10 Complaints without adequate verifiable details/facts, verifiable facts and which are incomplete/ vague or contain sweeping or general allegations and frivolous complaints will not be acted upon (no action taken) [IRVM Para 516.6(ii) and CVC Vigilance Manual Para 3.4.2 (a)(ii), 3.11.2(c), 3.4.3(a)(v)].
- 5.11 Complaints, which contain matters, which are sub-judice before any competent court or tribunal or authorities shall be filed (no action taken) [CVC Vigilance Manual Para 3.4.3(a)(vi)]
- 5.12 Any complaint that does not bear the name and address of the complainant is an anonymous complaint. A complaint which does not bear the full particulars of the complainant or is unsigned or is not subsequently acknowledged by a complainant as having been made is a pseudonymous complaint [IRVM Para 509.1].
No action will be taken on the anonymous /pseudonymous complaints in line with CVC's circular No. 07/11/2014 dated 25-11-2014, and such complaints will be filed (no action taken). [IRVM Para 509.3 and CVC Vigilance Manual Para 3.10.1].
- 5.13 Illegible complaints shall be filed (no action taken). [CVC Vigilance Manual Para 3.4.3(a)(ix)].
- 5.14 Any complaint from a person known to make frivolous complaints (unreliable complaint) will be filed (no action taken) [IRVM Para 514.3].
- 5.15 The complainants are also advised not to continue lodging complaint on the same subject repeatedly. Such repeated complaints will be merged with earlier complaints received and will be dealt accordingly.

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5.16 Once a complaint is received in the office of Sr. Deputy General Manager/ Chief Vigilance Officer, Konkan railway, further correspondence in the matter will not be entertained. However, it will be ensured that the complaints will be taken to their logical conclusion. [CVC Vigilance Manual Para 3.4.2(d)]

5.17 The complaints, which fall in the criteria given in Para Nos. 5.2 to 5.15 may either be filed/merged and/or will be referred to the department/authority concerned for necessary action.

6.0 Action against persons making false complaints:

6.1 If a complaint against a public servant is found to be malicious, vexatious, or unfounded, the complainant is liable to be taken up for making a false complaint as per laid down provisions of Indian Penal Code and Code for criminal Procedure. [IRVM Para 510 and CVC Vigilance Manual Para 3.12].

6.2 Further, if the person making false complainant is a public servant, departmental action may be initiated against him/her. [IRVM Para 510 and CVC Vigilance Manual Para 3.12].

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