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No.118/2/2011-AVD-III
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated, 31st January, 2012

OFFICE-MEMORANDUM

Subject: Guidelines for checking delay in grant of sanction for prosecution.

The Department of Personnel & Training had formulated guidelines for checking delay in grant of sanction for prosecution and issued the same under this Department's O.M. No. 399/33/2006-AVD-III dated 6th November, 2006. The guidelines lay down specific time limit at each stage of consideration/decision.

2. Para 2(i) of the guidelines clearly prescribe that the CBI would forward its final report of investigation to the CVC and also simultaneously endorse a copy of the report to the Administrative Ministry/Department concerned and the competent authority shall within three weeks formulate its tentative view regarding the action to be taken and seek the advice of the CVC in the matter.

3. It has come to the notice that some Ministries/Departments specially the Banking Sector are not following the said guidelines/instructions in true spirit. It has been observed that in few cases the competent authorities formally decline the sanction for prosecution and then refer the matter to the CVC for advice. It may be worth mentioning that once the competent authority takes a decision and communicates it to the CBI, the matter cannot be reviewed. Hence, it is important that the requisite consultation with CVC, etc. is completed before the Competent Authority takes a decision in the matter.

4. All Ministries/Departments are, therefore, advised to strictly adhere to the procedure laid down in the above mentioned OM and in para 3 above.

(N. Raja)

Deputy Secretary to the Govt. of India
Tel. No. 23094542

To

All Ministries/Departments of Government of India as per standard list.

Copy to:

- (i) Secretary, CVC, Satarkata Bhawan, New Delhi.
- (ii) Director, CBI, CGO Complex, New Delhi
- (iii) NIC, DoP&T for uploading on the website of the Department.