

**No.12011/6/2018-AVU
Government of India
Ministry of Environment, Forest & Climate Change
(Vigilance Division)**

**Room No.402, Agni Wing, Level-IV,
Indira Paryavaran Bhavan, Jor Bagh Road,
Aliganj, New Delhi-110003.**

Dated : 09th August, 2018

**The Chief Secretaries of
All State Governments/
Union Territory Administrations/
CBI/Other Investigating Agency
in the State Government**

Sub: Introduction of Single Window System in the Ministry of Environment, Forest and Climate Change for receiving proposals of disciplinary proceedings/appeal/revision/review and sanction for prosecution cases of IFS officers/Scientists, etc.-reg.

Sir/Madam,

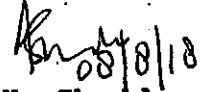
I am directed to inform that proposals for initiation of disciplinary proceeding/appeal/revision/review and Sanction for prosecution under Prevention of Corruption Act, 1988 are received from State Governments/ Union Territory Administration/CBI/other Investigating Agency against IFS officers and other officers whose cadre control vests in this Ministry. In order to avoid delay in processing of such proposals due to procedural infirmities/shortcomings/discrepancies, Ministry has decided to switch over to Single Window System for accepting the proposals as per Check Lists enclosed.

2. Henceforth, all State Governments/Union Territory Administration/CBI/other Investigating Agency are required to authorize a representative not below the level of Under Secretary, who is well conversant with the matter, to come to Ministry of Environment, Forest & Climate Change office in person for handing over the proposal for initiation of disciplinary proceedings/ Appeal/Revision/Review and Sanction for prosecution under Prevention of Corruption Act, 1988, complete in all respect, with all the relevant documents/records. In the Ministry, Under Secretary(Vigilance) (Room No. 402, 4th Floor, Agni Wing, Indira Paryavaran Bhawan, Jor Bagh, Aliganj, New Delhi) will receive such proposals referred by State Governments/ Union Territory Administration/CBI/other Investigating Agency between 11.00 am to 1 pm on all working days. The proposals received would initially be scrutinized in terms of information sought and in consonance with the prescribed Check List. Incomplete cases would be returned straightaway after pointing out deficiencies. Cases, which are complete in all respect as per the Check List, would only be accepted for further detailed scrutiny and examination. The Single Window System is to be introduced from 15.08.2018.

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3. State Governments/Union Territory Administration/ CBI/other Investigating Agency are requested to take note of the Single Window System being introduced in the Ministry of Environment, Forest & Climate Change w.e.f. 15.08.2018 and bring the same to the notice of all concerned. It may also be ensured that the Check List is countersigned by an officer not below the level of Secretary in the State Government/ Union Territory Administration or Joint Secretary or equivalent officer in CBI/other Investigating Agency.

Yours faithfully,



(Anuradha Singh)

Director to the Government of India
Tele. No. 011-24695272.

Encl. :- Check Lists.

Copy to :-

1. All Ministries/Department of Government of India(as per standard list).
2. Secretary, Central Vigilance Commission, Satarkata Bhawan, G.P.O. Complex, Block-A, I.N.A, New Delhi-110023.
3. Joint Director(Policy and Coordination), Central Bureau of Investigation, North Block, New Delhi with the request that the above guidelines may please be circulated amongst the investigating units for due compliance.
4. Principal Secretaries (Forest), State Governments/Union Territories for circulation amongst Investigating units for due compliance.
5. Joint Secretary, Administration Division, Ministry of Environment, Forest and Climate Change.
6. Joint Secretary, IFS Division, Ministry of Environment, Forest and Climate Change.
7. PPS to Secretary(E,F&CC)/PPS to DGF & SS/ PS to CCA.
8. Consultant (IT)- Upload on MoEF & CC/ifs.in websites.

Performa/Checklist for forwarding Disciplinary Proceedings/Appeal/ Review/Revision to the Ministry of Environment, Forest and Climate Change

PART I : SERVICE AND RELATED PARTICULARS

1.	Name of Charged Officer and the service on which borne		
2.	(i)	Whether temporary/permanent/contract service	
	(ii)	If confirmed, date of confirmation	
3.	Post held substantively, if in permanent service		
	(a)	Designation	
	(b)	Pay Band and Grade Pay (indicating stages, etc)	
	(c)	Pay drawn	
	(d)	Date from which pay shown against (c) drawn	
	(e)	Date of increment	
4.	Post held at present		
	(a)	Designation	
	(b)	Pay Band and Grade Pay (indicating stages etc)	
	(c)	Pay drawn	
	(d)	Date from which pay shown against (c) drawn	
	(e)	Date of next increment	
5.	The next lower post (along with Pay Band and Grade Pay), the Officer would have held but for his appointment to the present post he is holding		
6.	Date of Birth		
7.	Date of joining Govt. Service		
8.	Due date of retirement or actual date of retirement, if already retired		
9.	(a)	Amount of monthly pension admissible/sanctioned	
	(b)	(i) Amount of gratuity admissible (in respect of disciplinary proceedings initiated during service)	
		(ii) Amount of gratuity withheld (for disciplinary proceedings after retirement)	

10.	(a)	Appointing authority in respect of the post held at present, or the authority which actually appointed the person, if that authority is higher.	
	(b)	Authority competent to impose the penalty in respect of the post held at present.	
	(c)	Appellate authority in respect of the post held at present.	
11.	Whether an oral inquiry, if required under the rules, has been held		
12.	Name and designation of Inquiry Officer, appointed, if any.		

PART II : DETAILS OF CASE RECORDS

(All the records are required to be arranged and cross-referenced, as indexed below and page numbers of the file/folders to be indicated against each item.)

Item ***Reference/Comments**

(A)	ORIGINAL CASES (Where the Central Government or the State Government is the Disciplinary Authority and an order of penalty is to be passed for the first time)		
	(a)	Complaint, if any, received by the authorities	
	(b)	(i)	Report of the preliminary enquiry, if any, held in the matter leading to the institution of formal disciplinary proceedings against of C.O (together with Depositions recorded)
		(ii)	Order of suspension/revocation of suspension, if any.

(c)		Order, if any of the competent authority for jointly common proceedings where two or more Govt. servants are involved.	
(d)	(i)	Charge sheet together with the statement of imputations along with enclosures	
	(ii)	Records of delivery of charge sheet to the charged officer	
	(iii)	Whether the Charge Sheet issued as per the Rules	
(e)		Reply of the Charged Officer	
(f)		A note from the Disciplinary Authority explaining the factual of procedural points, if any, raised in the Charged Officer's reply in minor penalty cases where no enquiry has been held	
(g)		Order of the disciplinary authority appointing the Inquiry Officer	
(h)		Order of the disciplinary authority appointing the Presenting Officer	
(i)		Daily Order Sheet maintained by the Inquiry Officer, indicating the progress of oral inquiry	
(j)		Correspondence of the Inquiry Officer, if any, with the disciplinary Authority or the Charged Officer	
(k)	(i)	Depositions- Oral statements, recorded from prosecution witnesses and defence witnesses	
	(ii)	Statement of defence of the Charged Officer	
	(iii)	General Examination of the Charged Officer	
	(iv)	Whether copies of relevant documents have been supplied to the Charged Officer	

	(v) Exhibits	
	(a) Prosecution	
	(b) Defence	
(l)	(i)	Written brief, if any, submitted by the Presenting Officer
	(ii)	Whether a copy of brief of Presenting Officer supplied to the Charged Officer
(m)		Whether written brief, if any, submitted by the Charged Officer
(n)		Inquiry Officer's Report
(o)	(i)	Whether Inquiry Officer's report provided to the Charged Officer
	(ii)	Whether disagreement of the Disciplinary Authority, if any, on the report of the Inquiry Officer, communicated to the Charged Officer
	(iii)	Representation of the Charged Officer on the findings of the Inquiry Officer
	(iv)	Para-wise comments of the Disciplinary Authority on the representation of the Charged Officer, if any
(p)		Whether the disciplinary authority has considered the merits of the case and come to the conclusion that a format penalty is called for

(B)	APPEAL CASES	
	(Where the order of penalty has been passed by a subordinate authority and an appeal lies to the President)	
	(In these cases all the documents listed in (A) should also be sent)	
	(a)	Order passed by the disciplinary authority together with a note, if any, containing the conclusion arrived at by him in respect of each charge
	(b)	Appeal of the officer concerned
(c)	Whether appeal has been addressed to the competent authority	
(d)	Comments of the disciplinary authority on the appeal including clarification on procedural points, if any, raised by the appellant	

	clarification on procedural points, if any, raised by the appellant	
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(c)	<u>REVISION/REVIEW CASES</u>	
	(i)	Whether appeal addressed to the President of India or to some subordinate authorities. (Where the appellate authority is subordinate to the President and a modification of the appellate order is sought by way of revision/review or where the President has passed the original order.)
	(ii)	Whether the approval of the Competent Authority obtained before referring the case for Commission's advice
	(a)	Appellate Authority's order/President's order
	(b)	Petition/Memorial submitted by the officer
	(c)	Note including the Reviewing Authority's findings on the charges, detailing the reasons warranting modification of the penalty already imposed and the extent of such modification
(d)	Additional comments on the procedural or factual points, if any, raised in petition.	

(D)	<u>PENSION CUT PROPOSALS</u> (Where the President proposes to withhold or withdraw pension otherwise admissible to the officer as a result of disciplinary proceedings instituted/deemed to continue in respect of an officer who has retired from service) (In these cases all the document listed in (A) should also be sent)	
	(a)	Order of the President*, if any, that the disciplinary proceedings should be instituted/continued under the relevant pension rules.
	(b)	Show cause notice issued to the officer indicating precisely the quantum of cut proposed to be made in his pension and the period for which it shall be operative
	(c)	Reply of the Officer to the aforesaid notice

	(d)	Comments on factual or procedural points raised by the officer in his reply	
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*Central Govt. in the case of All India Service Officers.

(E)	<u>GENERAL</u>		
	(a)	Miscellaneous documents regarding evidence such as the exhibits statements etc referred to in (A) to (D) and extracts of relevant Rules, Codes, Manuals, Acts, Judgements etc.	
	(b)	Information/position of disciplinary proceedings instituted against other co-accused officers	
	(c)	Whether complete and up-to-date Confidential Roll of the officer has been enclosed.	

****Signature :**

**Name in Block Letters of
Officer signing this statement :**

Designation :

Telephone No. :

Dated

****To be signed by an officer not below the rank of Joint Secretary to the State
Government**

CHECK LIST FOR FORWARDING SANCTION FOR PROSECUTION CASES FOR THE INVESTIGATING AGENCIES

(I) Cases referred by Central Bureau of Investigation (CBI)

(To be filled in by the CBI at the time of forwarding of proposal to the competent authority i.e. cadre controlling authority competent to accord sanction for prosecution)

S. No.	Head	Yes/No	Folder No./Page No.
1.	Name of the administrative authority under whose administrative domain the officer was serving at the time of alleged commission of offence.		
2.	Whether the proposal has been sent to the administrative authority for its comments/ views. If so, date of submission of proposal.		
3.	Whether a separate set of proposal with complete case records has been submitted to the Central Vigilance Commission? If so, date of submission of proposal		
4.	Whether approval of the competent authority in CBI for seeking sanction of prosecution obtained?		
5.	Whether the proposal contains the complete Investigation Report including the copy of the FIR? If the Investigation Report is in Hindi or any other language, whether a gist in English thereof has been attached?		
6.	Whether any Executive Summary of the Investigation Report enclosed?		
7.	Whether authenticated copies of complete case records essential and relevant for determining the culpability of officer(s) for alleged offence under the Prevention of Corruption Act, 1988 enclosed?		
8.	Whether Legal advice of Legal Wing/Prosecution Wing of CBI enclosed?		
9.	Whether the Report clearly spells out the offences specifically alleged against the officer(s), both under the PC Act and under the other statutes?		

10.	Whether list of relevant documentary evidence has been attached?		
11.	Whether list of relevant oral evidence has been attached – specifying as to whether such statements have been recorded before the IO or before a Magistrate u/s 164 Cr. PC/		
12.	Whether version of the accused officer(s) and comments of IO to rebut his contentions enclosed.		
13.	Whether the IO had received any representation from the officer? If so, whether the same has been taken into consideration?		
14(a)	Whether the IO had received any representation from the officer? If so, whether the same has been taken into consideration?		
14(b)	Whether copies of such representation and views of IO thereon have been enclosed?		
15.	Whether any criminal offences under the Indian Penal Code or other statutory provisions have been alleged, which require according of sanction under the provisions of section 197 of the Code of Criminal Procedure?		
16.	If answer to point No.15 above is "yes", whether such sanction has been sought by the investigating agency from the concerned administrative authority? If so the details thereof.		
17.	If answer to point No.15 above is "No", whether reasons for not seeking such sanction enclosed?		
18.	Whether Comments of the administrative authority have been obtained and enclosed?		
19.	If answer to point No.18 above is "No", whether reasons for not enclosing such comments enclosed?		

****Signature** _____
Name of officer signing this statement

(in Block Letters) _____

Designation _____

Telephone No. _____

Date _____

**** To be signed by an officer not below the rank of Joint Secretary to the Government of India.**

II. Cases of State Investigating Agencies forwarded by the State Government

(to be filled in by the concerned authorities/State Government at the time of forwarding of proposal to the competent authority i.e. cadre controlling authority alongwith their views and recommendations in respect of the public servant)

S. No.	Head	Yes/No	Folder No./Page No.
1.	Date of receipt of proposal from the investigating agency.		
2.	Whether the complete case records, were received from the investigating agency? If not, the date of receipt of complete proposal.		
3.	Whether any additional information was sought from the investigating agency? If yes, details thereof.		
4.	Whether such additional documents have been included in the proposal?		
5.	Whether the complete case records, including additional documents sought) above, have been forwarded alongwith the proposal?		
6.	Whether the proposal contains the complete Investigation Report including the copy of the FIR? If the Investigation Report is in Hindi or any other language, whether a gist in English thereof has been attached?		
7.	Whether any Executive Summary of the Investigation Report enclosed?		
8.	Whether authenticated copies of complete case records essential and relevant for determining the culpability of officer(s) for alleged offence under the Prevention of Corruption Act, 1988 enclosed?		
9.	Whether the Report clearly spells out the offences specifically alleged against the officer(s), both under the PC Act and under the other statutes?		
10.	Whether list of relevant documentary evidence has been attached?		
11.	Whether list of relevant oral evidence has been attached — specifying as to whether such statements have been recorded before the 10 or before a Magistrate u/s 164 Cr. PC?		
12.	Whether the Investigation Report specifically indent Hies and reflects the relevant documentary and oral evidence against the officer(s) concerned which would be material for being considered for offences qua the officer (s)?		

13.	Whether version of the accused officer (s) and comments of IO to rebut his contentions as prescribed vide guidelines dated 27.10.1999 enclosed?		
14(a)	Whether the IO had received any representation from the officer? If so, whether the same has been taken into consideration?		
14(b)	Whether copies of such representation and views of IO thereon have been enclosed.		
15.	Whether the State Government has obtained the approval of the competent authority with respect of the recommendation being made in respect of the proposal?		
16.	Whether the copies of such processing by the State Government have been enclosed?		
17.	whether a specific sanction has been sought by the investigating agency under the provisions of section 197 of the code of Criminal Procedure?		
18.	Whether the State Government has obtained any legal opinion in the matter?		
19.	If so, whether the copy of such legal opinion, if any, has been enclosed?		
20.	Whether, the sanction u/s 197 of the Cr. P.C., if sought by the investigating agency, has been accorded by the State Government?		
21.	Whether such sanction is unequivocal and clear without any riders?		
22.	Date and number of the sanction so accorded/denied by the State Government.		
23.	Whether the State Government/administrative authority has informed the investigating agency of having examined and made recommendations to the cadre controlling authority in favour or against the sanction?		

****Signature** _____
Name of officer signing this statement

(in Block Letters) _____

Designation _____

Telephone No. _____

Date _____

**** To be signed by an officer not below the rank of Secretary to the State Government (General Administration Department)/Joint Secretary to the Government of India.**