

Delay in finalization of vigilance cases – Case study

Commission has observed that in the conduct and finalization of departmental proceedings one of the reasons is the undue delay in finalization of charge-sheet which help the officials to get away, with lapses/misconduct committed by them. There are instances of many cases, wherein Courts of law have quashed the proceedings just because the charges framed against the alleged officer was not served on time. Recently, it has come to the notice of the Commission that the Disciplinary authority in the light of the judgment of the CAT and the High Court dismissing the Writ Petition dropped the charges against the alleged officer. The brief of the case is as under:-

“Charge-sheet for major penalty proceedings were issued by an organization of Govt. of India in December, 2004 against two officers for the misconduct committed by them on account of non-raising any objection in passing some bills for payment on fraudulent vouchers during 1988-89. Although the incidence occurred in 1988-89 but the delay in issuance of charge-sheet was mainly on the part of CBI which had registered the case was in June, 1996 and the matter was pursued by various authorities from time to time for 16 years. Thus, the charge-sheets were issued by the department in December, 2004. Thereafter, the alleged officers approached to CAT and High Court against the charge-sheets served upon them after a period of 16 years from the date of the incidence, the reasons for delay in issuance of charge-sheet submitted by the concerned organization were not accepted by the Courts. Hence, by accepting the decisions of CAT and the High Court, the disciplinary proceedings initiated against the alleged officers had to be dropped by the Disciplinary Authority and the alleged officers escaped scot-free”.

2. Prolonged departmental inquiries not only delay justice to the honest persons but also help the guilty to breath freely. It must be understood that a reasonable time limit for concluding and finalizing disciplinary cases has already been prescribed. Undue delay over and above the prescribed time limits for finalization of disciplinary cases will itself be viewed as misconduct and liable for disciplinary action.
3. Commission has desired that this case be brought to the notice of all CVOs for information so that the risk of culprits going scot-free due to delay in taking appropriate action within a time frame, could be minimized.