

No. 22034/5/2004-Estt (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

December 15, 2004

OFFICE MEMORANDUM

Subject: - Promotion of persons undergoing a penalty - clarification regarding.

The undersigned is directed to refer to DoPT OM No. 21/5/70-Estt (A) dated 15th May, 1971 (reiterated vide O.M. No. 22011/2/78-Estt (A) dated 16.2.1979) and to say that in terms of the provisions of these office Memoranda, a Government servant, on whom a minor penalty of withholding of increment etc. has been imposed should be considered for promotion by the Departmental Promotion Committee which meets after the imposition of the said penalty and after due consideration of full facts leading to imposition of the penalty, if he is still considered fit for promotion, the promotion may be given effect after the expiry of the currency of the penalty. It has, however, been separately clarified vide Office Memorandum No. 22011/2/92-Estt (D) dated 30th November, 1995 that in such cases, the seniority would be fixed according to the position of the officer in the panel on the basis of which he is promoted on expiry of the period of currency of the penalty.

2. Doubts have been expressed regarding the pay fixation and date of commencement of the eligibility service in such cases. It is clarified that since the promotion is to take effect only from a date subsequent to the expiry of the currency of the penalty, the officer would be entitled to pay fixation in the promotional grade with effect from the date of actual promotion only. Even if a person junior to him in the panel is promoted earlier, it will have no bearing on the pay to be allowed on promotion to the officer on whom a penalty was imposed, and there shall be no stepping up of his pay.

3. Similarly, as the officer undergoing penalty is not to be promoted during the currency of the penalty, the eligibility service in the promotional grade for further promotion shall commence only from the date of actual promotion and in no case, it may be related, even notionally, to the date of promotion of the junior in the panel.

(Alok Saxena)
Director

To

All Ministries/Departments of the Government of India.

<http://permin.nic.in/vigil1.html>

Copy To:

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. Cabinet Secretariat, New Delhi.
4. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
5. The Registrar General, Supreme Court of India.
6. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
7. The Comptroller and Audit General of India, New Delhi.
8. Union Public Service Commission.
9. Staff Selection Commission, New Delhi.
10. All attached Offices under the Ministry of Personnel, Public Grievances and Pensions.
11. National Commission for SCs, New Delhi.
12. National Commission for STs, New Delhi.
13. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
14. Establishment Officer & A.S.
15. National Commission for OBCs, New Delhi.
16. All Officers and Sections in the Department of Personnel and Training.
17. Facilitation Center, DoP & T (20 copies).
18. NIC (DoP & T) for placing this Office Memorandum on the Website of DoP&T
19. Establishment (D) Section (200 copies).

No. 98/DSP/3
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023

Dated the 24th December, 2004

Office Order No. 75/12/04

Sub : Participation of consultants in tender - guidelines regarding.

Consultants are appointed by the organisation for preparation of project report. These appointments are made for any new projects, expansions, modernization/modification of the existing projects etc. The selection is made with maximum attention to the suitability, competence and proven track record.

2. Further, during the CVO's Conference convened by the Commission in Sept. 1997, the Central Vigilance Commissioner had constituted a Committee of CVOs to go into the system of contracts prevalent in PSUs and to suggest, wherever required, methods of streamlining the contracting provisions. The Committee after going through the contract system of various organisations had made recommendations on consultants as under:-

Consultants - A firm which has been engaged by the PSU to provide goods or works for a project and any of its affiliates will be disqualified from providing consulting services for the same project. Conversely, a firm hired to provide consulting services for the preparation or implementation of a project, and any of its affiliates, will be disqualified from subsequently providing goods or works or services related to the initial assignment for the same project.

Consultants or any of their affiliates will not be hired for any assignment, which by its nature, may be in conflict with another assignment of the consultants.

3. It has come to the notice of the Commission that in a tendering process of a PSU, the consultant was also permitted to quote for work for which they had themselves estimated the rates and the consultant quoted 20% above their own estimated rates as against the awarded rates which were 20% below the estimated cost. Such overdependence on the consultant can lead to wasteful and infructuous expenditure which the organisation regrets in the long run. Meticulous and intelligent examination of the consultant's proposal is therefore essential for successful and viable completion of the project.

4. The Commission reiterates the recommendations made by the Committee that the consultants/firm hired to provide consulting

services for the preparation or implementation of a project, and any of its affiliates, will be disqualified from subsequently providing goods or works or services related to the initial assignment for the same project.

(Anjana Dube)
Deputy Secretary

To
All Chief Vigilance Officers

Circular Serial No.-238

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14 February 2005

No. 15-6(83)/98-O&M.II
From

Chief Vigilance Officer

To

The Directors/Heads of all National Labs./Instts. of CSIR
Sub: Transparency in tendering system - Guidelines regarding.

I am to forward herewith a copy of Central Vigilance Commission Circular bearing No. 004/ORD/9 dated 10/12/2004 (Office Order No. 72/12/04) for your information, guidance and necessary action.

(P. Ananthakrishnan)
Chief Vigilance Officer

No. 004/ORD/9
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated the 10th December, 2004

Office Order No. 72/12/04

Subject: - Transparency in tendering system - Guidelines regarding.

In order to maintain transparency and fairness, it would be appropriate that organisations should evolve a practice of finalizing the acceptability of the bidding firms in respect of the qualifying criteria before or during holding technical negotiations with him. Obtaining revised price bids from the firms, which do not meet the qualification criteria, would be incorrect. Therefore, the exercise of shortlisting of the qualifying firms must be completed prior to seeking the revised price bids. Moreover, the intimation of rejection to the firms whose bids have been evaluated but found not to meet the qualification criteria, along with the return of the un-opened price bid, will enhance transparency and plug the loop-holes in the tendering system. All organisations/departments are advised to frame a policy accordingly.

(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers