



# ODISHA POWER TRANSMISSION CORPORATION LIMITED

(A Govt. of Odisha Undertaking)

Registered Office: Janpath, Bhubaneswar – 751022

No.AWC-VIG-III-1/2010/ 5836

/Dated.03.04.2013

## OFFICE ORDER

Pursuant to the order of Government of Odisha , Department of Energy vide their letter No. 57(8)dated 13 / 05 / 2010 and the decision of BoD of OPTCL in their 55<sup>th</sup> meeting dated 07 / 03 / 2013 ,the services of Sri S.K. Rath, Director (HRD), O.P.T.C.L. will be utilised as Chief Vigilance Officer (CVO) of the Corporation until further orders. He will discharge the duties / responsibilities of CVO in addition to his normal duties. He will coordinate with State Vigilance Directorate and directly report to CMD in vigilance matter.

The role and responsibilities of CVO shall be as per the guidelines as prescribed in the Agenda of the Home Deptt. Dated 05 / 05 / 2010 (enclosed at Annexure . I).

Sd/-

CHAIRMAN-CUM-MANAGING DIRECTOR

Memo No.

/ Dated, the

Copy to Sri S.K. Rath, Director (HRD), OPTCL, Bhubaneswar for information and necessary action.

Sd/-

DIRECTOR (HRD)

Memo No.

/ Dated, the

Copy to Addl. Secretary to Govt. Deptt of Energy, Odisha, Bhubaneswar for information and necessary action with reference to his letter No.57(8) dt.13-05-2010.

Sd/-

DIRECTOR (HRD)

Memo No.

/ Dated, the

Copy to all Functional Directors, OPTCL/GRIDCO/CGMs./ Company Secretary / All Sr.G.Ms/ All GMs. / All D.G.Ms. /All A.G.Ms. / All Managers / Assistant Company Secretary, GRIDCO/ SE (Civil)/ EE (Civil), Bhubaneswar/ Medical Officer, Power Hospital / All Branch Officers of OPTCL, Corporate Office for information and necessary action.

Sd/-

DIRECTOR (HRD)

C.C

- i) Copy to Sr. P.S of CMD for kind information of CMD.
- ii) C.G.M.(IT) to upload on the OPTCL Website.

## **Role and functions of Chief Vigilance Officers**

Vigilance is an integral part of the management function. The Chief Vigilance Officer (CVO) provides direction. Guidance and supervision over the Vigilance efforts of the Organisation along with the Heads of the Department concerned CVOs should have a pro-active approach to create incorruptibility in the administration. The strategy of preventive Vigilance was drawn and implemented to evolve an environment of integrity and to add values to the system for increasing transparency and accountability in the working.

### **1. Appointment of C.V.Os**

Prevention is better than cure, for which Chief Secretary to Government of Odisha was pleased to direct to all Government Departments/ Heads of Department/ P.S.Us vide D.O. letter No. 8936/vig. Dt. 04.11.97 and No 4891/vig. Dt. 04.06.2002 for appointment of one of their officer having good integrity as C.V.O of their Department to assist Vigilance Department in prevention of corruption and combating corruption within their respective Department. However, still some have not yet appointed their C.V.O. or replacing new officer as C.V.O. in the event of transfer/ retirement/ promotion of appointed C.V.O. As a result of which post of C.V.O. of their Department remains vacant for long time and the work of prevention of corruption is seriously being hampered.

### **Role and Function of Chief Vigilance Officers**

Even though detection and punishment of corruption and other malpractices are certainly important, what is more important in taking preventive measures instead of hunting for the guilty in the post corruption stage. Therefore, the role and functions of C.V.Os has been broadly divided into two parts, which are (I) Preventive and (II) Punitive. He is also coordinator between the Deptt. and Vigilance Department and suppose to send the regular reports and returns as prescribed later on in this agenda.

### **On the preventive side**

The C.V.Os undertake various measures, which include.

(a) To examine in detail the existing Rules and procedures of the Organisation with a view to eliminate or minimize the scope for corruption or malpractices.

(b) To identify the sensitive/corruption prone area in the Organisation and keep an eye on personel posted in such areas

(c) To plan and enforce surprise inspections and regular inspections to detect the system failures and existence of corruption or malpractices,

(d) To maintain proper surveillance on officers in agreed list and officers of doubtful integrity; and

(e) To ensure prompt observance of Conduct Rules relating to integrity of the Officers, like

(i) The Annual Property Returns.

- (ii) Gifts accepted by the officials.
- (iii) Benami transactions.
- (iv) Regarding relatives employed in private firms or doing private business etc.

**On the punitive side.**

- (i) To ensure speedy processing of Vigilance cases at all stages
- (ii) To ensure that charge, statement of imputations, lists of witness and documents etc. are carefully prepared and copies of all the documents relied upon and the statements of witnesses cited on behalf of the disciplinary authority are supplied wherever possible to the charged officer along with the charge.
- (iii) To ensure that all documents required to be forwarded to the Inquiring Officer are carefully sorted out and sent promptly.
- (iv) To ensure that there is no delay in the appointment of the Inquiring Officer and that no dilatory tactics are adopted by the charged officer or the Presenting Officer.
- (v) To ensure that the processing of the Inquiry Officer's Reports for final orders of the Disciplinary Authority is done properly and quickly.
- (vi) To scrutinize final orders passed by the Disciplinary Authorities with a view to see whether a case for review is made out or not.
- (vii) To see that proper assistance is given to the State Vigilance in the investigation of cases entrusted to them or started by them on their own source of information,
- (viii) To take proper and adequate action with regard to writ petitions filed by accused officers,
- (ix) To ensure that the competent disciplinary authorities do not adopt a dilatory or lenient attitude in processing Vigilance cases, thus knowingly otherwise helping the delinquent public servants, particularly in cases of officers due to retire.
- (x) To ensure that cases against the public servants on the verge of retirement do not lapse due to time-limit for reasons such as misplacement of files etc. and that the orders passed in the cases of retiring officers are implemented in time, and
- (xi) To ensure that the period from the date of serving a charge-sheet in a disciplinary case to the submission of the report of the Inquiring Officer, should, ordinarily, not exceed six months.

2. **Preventive Vigilance.**

The idea behind the concept is to keep officers who are indulging in corrupt practices under constant surveillance and check their corrupt activities.

In the **Agreed List** only those officers are to be included against whose honesty or integrity, there are suspicions or complaints but not booked in specific instances of corruption either by Department or by the Vigilance Department.

A list of such officers of each Organisation against whose honesty or integrity there are complaints or suspicion is to be prepared. The State Vigilance will have a meeting with M.D./ Head of Department / Department of Govt. once in a calendar year, preferably in the beginning of the calendar year, where they will decide about the officers who are to be kept in the Agreed List.

Another **Agreed List** for the Department / section and places of the Organisation where corrupt practices are prevalent will be prepared so that close scrutiny can be made of the functioning of those Departments / Sections by the Internal Vigilance Officers (I.V.Os) / Head of the Department and the Vigilance.

After the Agreed List is prepared the State Vigilance and the C.V.O. of the Organisation will mount a close surveillance on those officers in the following manner:-

- (i) More frequent inspection and closer scrutiny of their work with special emphasis on the issues where the officer has scope to use his discretion to show favours.
- (ii) Confidential enquiry about their reputation, both by the State Vigilance and the C.V.O.
- (iii) Clandestine watch on their standard of living expenditure pattern contacts etc.
- (iv) Secret enquiry will be made by the state Vigilance about their assets and financial resources.

For this purpose the management will make their property/ Returns and relevant records available to the State Vigilance and the C.V.O.

- (v) Collection of information of specific instances of bribery and corrupt practices.
- (vi) The management /head of department will not post those officers whose name find place in the **Agreed List** to sensitive and corruption prone departments for a period of two years till his name is removed from the Agreed List.

If secret enquiry and unobtrusive watch reveal adequate information/ material against such officers, immediately the State Vigilance will start open enquiry against his and take further follow up action, like registration of criminal case/ departmental proceedings etc.

The **Agreed List** will remain in force for 2 years from the date of preparation of such list. By the end of 2 years the names finding mention in this list will be reviewed and those names removed from the list against whom sufficient evidence could not be collected during the period.

However, this list will not be used against any officer to deny him promotion, selection for training, or for higher responsibilities. The head of the Organisation will keep this list and use it with discretion while considering such officers for posting to sensitive areas or units.

## **LIST OF OFFICERS OF “DOUBTFUL INTEGRITY”**

This list should include names of those who have been found to be lacking in integrity after due enquiry or during the course of enquiry. This list should include the names of officers of the following categories:-

- (i) One who has been convicted by a Court of Law on charge of corruption or lack of integrity or an offence involving moral turpitude, but on whom, a penalty other than dismissal, removal or compulsory retirement has been imposed.
- (ii) One who has been awarded a major punishment departmentally on charges of lack of integrity or on charges of gross dereliction of duty.
- (iii) Against whom proceeding for a major penalty or a trial in the Court is in progress for alleged acts involving lack of integrity or moral turpitude.
- (iv) Who have been prosecuted but acquitted on technical grounds but there remained a reasonable suspicion against their integrity, on the basis of evidences surfacing during the trial.

However, this list should not include the names of officers of the following categories:-

- (a) Those officers who have been honourably acquitted after a disciplinary proceeding or Court trial.
- (b) Officers against whom sufficient evidence could not be collected during enquiry / investigation for recommending departmental / disciplinary action.

These lists should be used to keep the concerned P.S.U. / Govt. Department informed about the officers of doubtful integrity and to ensure that such officers are not posted to sensitive Departments / Corruption Prone Departments, in deciding administrative matters affecting the service of such officers and to keep special watch on their work and subject their work to closer scrutiny. The State Govt. has taken a policy decision to dismiss a Govt. servant or public servant if he is convicted by Court under article 311 of Constitution.

The C.V.O. should prepare a list of Public Servants of gazetted rank against whom any disciplinary proceeding for a major penalty was in progress or who had been punished in a disciplinary proceeding for lack of integrity. The C.V.O. will send a list of such officers to the State Vigilance once every year in the last week of January.

The C.V.O. should also report against an officer in order to take a decision for inclusion of his name in the list as soon as an adverse report against the officer is received by him.

The State Vigilance should suggest addition and deletion of names on the basis of information available with them. In case there is any difference of opinion between the Department and the State Vigilance, the matter should be settled by mutual discussion.

Such list should be kept by the Head of the Organization /Head of the Department and used for the purpose indicated above:-

Once the name of an officer is entered in the list of “Doubtful Integrity” it should not be removed for a period of 3 years and this period should count from the date on which the officer

was punished in a departmental proceeding/ convicted by a Court of Law. After completion of this period, this list will be reviewed by the Department in consultation with the Vigilance integrity of the Officers, such names will be removed from the list. On the contrary if a name is to be retained in the list beyond 3 years cogent reasons should have to be recorded in writing.

If an officer of this list is transferred, the C.V.O. of the concerned organization should intimate to his counterpart the fact of the officer's name being on the list and also intimate the State Vigilance about the name.

This list should be used to enable the Department to take such administrative action like transfer from sensitive posts, with-holding certificate of integrity, non-promotion, compulsory retirement, refusal of extension of service, non-sponsoring the name for deputation/foreign assignment/ refusal of permission for re-employment after retirement etc.

As and when such officer comes in the promotion zone, his name should be held up in a sealed cover till enquiry is completed against him.

#### **AGREED LIST OF CONTRACTORS / SUPPLIERS / FIRMS / CLEARING AGENTS:**

Every organization be it a Public sector Undertakings or Govt. Department, deals with outsiders who perform sundry jobs for the Organisation. Some of these outsiders vitiate the atmosphere of the organization by creating opportunities for the public servants to become corrupt or by acting as contact men between unscrupulous public servants and unscrupulous outsiders.

Based on complaints about adopting unfair practices, corrupting the Public servant, adopting questionable means to beg contract, intelligence report of the Vigilance/ C.V.O. , and past performance, an agreed list of such Contractors, Suppliers,, Firms and Clearing Agents etc. should be prepared in a meeting between the Vigilance and the Head of Organisation. This list should be circulated to the concerned officers with instruction to be careful and cautious in all dealings with such parties. Closer scrutiny should be made whenever such parties apply for contracts etc.

Unobtrusive watch should be maintained on the activities of such parties.

On getting specific materials/ instances open enquiry should be started against those parties by the Vigilance.

#### **PREPARATION OF APPRECIATION REPORT OF AN ORGANISATION:**

It is desirable to prepare an Appreciation Report about a Public Sector Undertaking by the State Vigilance (Police) in consultation with the concerned Undertaking.

The purpose of preparation of Appreciation Report is to study different aspects of the Public Sector Undertaking exhaustively and have a first hand information about the Organization one can conclusive pin-point the vulnerable points where corruption is rampant or feasible and hence preventive measures can be effectively taken to avoid loss to the Organisation.

It is recommended that this practice of preparation of Appreciation Report in respect of State P.S.U.s and Govt. Departments be undertaken on the following lines:

- (i) Objective of the Organisation.
- (ii) Administrative set up of the Organisation.
- (iii) Staff pattern.
- (iv) Different categories of private persons who provide opportunities for corruption.
- (v) Points and places of corruption.
- (vi) Categories of officers and staff working at the points and places of possible corruption.
- (vii) Internal Vigilance Organisation.
- (viii) Liaison with State Vigilance.
- (ix) Suggestion for checking corruption.

After such Appreciation Reports are prepared, the same should be updated from time to time incorporating therein up-to-date information about the Undertaking.

Joint surprise checks should be conducted by the State Vigilance and the C.V.O. staff at probable places and points of corruption.

As per Sl.8 (a & b) of above noted prescribed proforma for Bi-monthly return C.V.Os are supposed to prepare the Agreed list and list of officer of their Department of doubtful integrity and submitting in the Bi-monthly return which would have immense help in prevention of corruption in their respective Department. But surprisingly, non of the C.V.Os has prepared and submitted this list. We have also sent a reminder to expedite this list vide Vigilance directorate letter No. 796/V Co (RA) Dtd. 30.01.2009.

### **3. Submission of Bi-monthly return by C.V.Os.**

Submission of Bi-monthly return in a prescribed format indicating the steps taken by the CVOs in combating corruption with regard to their respective Organization is required to be given to Vigilance Organization. Most of the Deptt. are not submitting the return improper manner for which the purpose is failed.

During last C.V.O. conference, 2007, it was felt necessary for systematic review of the works done by C.V.O. for which Chief Secretary was pleased to direct all Govt. Deptt./Heads of Deptt. / P.S.U.s to instruct their C.V.O. to submit Bi-monthly return prescribed proforma to the Director (Vigilance ) vide Chief Secretary's letter No. 1026/V Co(RA) dt. 17.2.2007 . Unfortunately, C.V.O.s of only few Departments / P.S.U.s are submitting this Bi- monthly return, where as other C.V.O.s are not heeding to the Direction of the C.S. in spite of reminders.

### **4. Disposal of pending proceedings.**

Implementation of Departmental Action is not receiving due attention. Recommendation by Vigilance Deptt. are also not given proper importance . The proceedings are handled in improper manner . All the Departmental actions need to be pursued vigorously by the C.V.O. concerned.

As per the decision taken IN THE MEETING OF secretaries dtd. 2.1.2010 , we have requested Heads of all Government Departments for expeditious disposal of proceeding pending in their Department vide Vigilance Directorate letter No.1705/V.Co.(RA) dt.9.3.2010. as large number of years old proceeding recommended by Vigilance are pending in various Department, we have also provided them with the detail list of such proceedings for their ready reference.

5. **Protection to Whistle Blowers.**

Many a time discloser of corruption/ person of doubtful integrity of same Department faces lot of problem and became victim of revengeful activities. As result of which C.V.Os of various Departments are afraid of disclosing corrupt activities of officials/ colleagues of their own Department and are not able to prepare the Agreed list/ List. Of officers of doubtful integrity. Therefore some mechanism is required to be plan out to give protection to CVO/ Discloser for which they will be able to disclose the corrupt officials without fear. Often a complainant is victimized by Department and sometimes their life is under threat. Govt. of India is contemplating to introduce an enactment to protect whistle blower under suggestion of CVC and CBI and several State ACBs.

6. **R.T.I. ACT.**

As democracy required transparency in the administration of the country this Act ÷The Right to Information Act. 2005 (Central Act. No.22 of 2005) was enacted by the Govt. of India which came into force with effect from 15<sup>th</sup>. June, 2005 with the objective to promote transparency and accountability in the administration of the country which the people need for knowing as to what the Govt. has been doing / is doing for them and for the prosperity of the country and for knowing the true picture of their governance and administration.

CVOs need to wholeheartedly support this effect.