

MOST IMMEDIATE

No. 15(1)/2010-DPE (GM)
Government of India
Ministry of Heavy Industries and Public Enterprises
(Department of Public Enterprises)

Public Enterprises Bhawan
Block No. 14, C.G.O. Complex
Lodhi Road, New Delhi-110 003
Dated: 11th March, 2010

OFFICE MEMORANDUM

Subject :- **Complaints against Chief Executives of the Public Sector Enterprises and CMDs of the Public Sector Banks and Financial Institutions.**

The procedure regarding handling complaints against Chief Executives and Functional Directors of the Public Sector Enterprises and CMDs and Functional Directors of Public Sector Banks and Financial Institutions, whether pseudonymous or otherwise, has been attracting the attention of the Government. It has been observed that under the system presently prevalent, complaints against Chief Executives and Functional Directors of the Public Sector Enterprises and CMDs and Functional Directors of Public Sector Banks and Financial Institutions are sent to the administrative Ministries concerned for examination and necessary action. Sometimes frivolous or vague complaints are also given importance meant for grave complaints. It is, therefore, appropriate that complaints against Chief Executives and Functional Directors of the Public Sector Enterprises and CMDs and Functional Directors of Public Sector Banks and Financial Institutions are scrutinized carefully and suitable action taken based on their gravity, seriousness and the nature of the allegations.

2. It has, therefore, been decided to constitute a Group, under the Chairmanship of the Secretary (Coordination) in the Cabinet Secretariat, to take a view on such complaints. The composition of the Group shall be as follows:-

- (i) Secretary (Coordination) in the Cabinet Secretariat
- (ii) Secretary, Department of Public Enterprises (DPE) : Member
- (iii) Secretary, Central Vigilance Commission (CVC) : Member
- (iv) Addl. Secretary, Department of Financial Services : Member
(DFS)

3. Complaints against Chief Executives and Functional Directors of the Public Sector Enterprises and CMDs and Functional Directors of Public Sector Banks and Financial Institutions, whether pseudonymous or otherwise, received by the Cabinet Secretariat or the CVC or the DPE or the DFS or the Prime Minister's Office, will be first scrutinized by the Group headed by the Secretary (Coordination) in the Cabinet Secretariat. This Group, after receiving the complaints, would proceed as follows:-

- (a) If there is no substance in the complaint or the complaint is frivolous in nature, the Group would close the complaint and inform the relevant office from where the complaint was received.

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(b) In case the preliminary scrutiny of the complaint indicates that there is some substance in it or there are verifiable allegations, the Group could do one or more of the following:-

- Seek the comments of the Secretary of the concerned Ministry/Department;
- Call for the concerned file(s);
- Call for the relevant records, including annual property returns, other reports, etc.

4. Having received appropriate inputs on the complaints, the Group will then proceed in the following manner:-

- In case the records/comments indicate that there is no substance in the complaint, it will be closed.
- If after scrutiny, it is felt that there is some substance in the complaint, a view would have to be taken by the Group regarding the nature of the investigation called for and an appropriate recommendation made in this regard.
- Thereafter, the recommendation would be submitted to the Disciplinary Authority, for action as deemed fit.

5. Since the Group constituted will also be looking into the complaints received by the CVC under the CVC Act or the Public Interest Disclosure Resolution, the CVC shall be kept informed at regular intervals about the status of the scrutiny/review undertaken by the Group into complaints forwarded by the CVC.


(Rakesh Bhartiya) 11/3/2010
Director

Secretary (Coordination) in the Cabinet Secretariat
Secretary, Department of Public Enterprises
Secretary, Department of Financial Services
Secretary, Central Vigilance Commission
Addl. Secretary, Department of Financial Services

Copy to:-

✓ Secretaries of all Ministries/Departments having administrative control over Public Sector Enterprises.

Copy also to:-

- (i) PS to Minister (Heavy Industries & Public Enterprises)
- (ii) PS to Minister of State (Heavy Industries & Public Enterprises)
- (iii) Additional Secretary (S&V), DoP&T
- (iv) Joint Secretary (V), DoP&T
- (v) Cabinet Secretariat (Ms. Nivedita Shukla Verma, Director)
- (vi) Central Vigilance Commission
- (vii) Department of Financial Services
- (viii) Director (Vigilance), Department of Public Enterprises