

No. 15(I)/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-110003
Dated: 11th December, 2017

OFFICE MEMORANDUM

Subject:-Complaints against CMDs/Chief Executives/Functional Directors/Non official Directors (NoDs) etc. of Central Public Sector Enterprises (CPSEs), Public Sector Banks (PSBs), Financial Institutions (FIs), and Public Sector Insurance Companies (PSICs).

Vide OM No. 15(I)/2010-DPE(GM) dated 11.3.2010, a Group of Officers (GoO) was constituted under the Chairmanship of Secretary(Coordination) in the Cabinet Secretariat to first scrutinize and take a view on complaints, whether pseudonymous or otherwise, against CMDs/Chief Executives/Functional Directors of CPSEs, PSBs and FIs. Some modifications were done to the guidelines vide OM dt. 12.04.2010 and 11.05.2011. Subsequently, vide OM No. 15(I)/2010-DPE (GM) FTS-2874 dated 25.01.2017, Non-officials Directors (NODs) of CPSEs were also included in the purview of GoO.

2. It is considered necessary to further modify the guidelines/procedure regarding handling of complaints with a view to include NoDs and certain other categories of Directors of PSBs, part-time/non-official Chairpersons of PSBs/CPSEs, etc. Accordingly, the following revised consolidated guidelines are issued.

3. Composition of the Group

A Group under the Chairmanship of the Secretary (Coordination) in the Cabinet Secretariat is constituted to take a view on such complaints. The composition of the Group shall be as follows:-

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|---|------------|
| (i) Secretary (Coordination) in the Cabinet Secretariat | : Chairman |
| (ii) Secretary, Department of Public Enterprises (DPE) | : Member |
| (iii) Secretary, Department of Financial Services (DFS) | : Member |
| (iv) Secretary, Central Vigilance Commission (CV C) | : Member |

4. Categories of officials covered in the purview of GoO

- (i) CMDs, Chief Executives, Functional Directors and NODs of CPSEs, PSBs, FIs and PSICs
- (ii) Part-time / Non-official Chairperson of CPSEs, PSBs, FIs and PSICs, wherever applicable.
- (iii) Workmen Directors, Officers' Directors and Chartered Accountant Directors (excluding Govt. nominee Directors, RBI nominee Directors, Shareholder Directors) in the case of PSBs.

5. Category of complaints received

Complaints received from PMO, Cabinet Secretariat, or DPE against above stated categories of officials would be dealt by GoO. Further, GoO will also look into complaints received by Cabinet Secretary from CVC under CVC Act or Public Interest Disclosure Resolution. Complaints against the above stated category of officers received directly by the concerned administrative Ministry/Department are handled by them. However, in exceptional cases where concerned Ministry/Department considers it necessary to refer a particular case to GoO, the same may be done with the approval of competent authority of the administrative Ministry/Department.

6. Procedure to be followed by Group of Officers (GoO)

6.1 This Group, after receiving the complaint(s), 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.
- (b) In case the preliminary scrutiny of the complaint indicates that there is some substance in it or there are verifiable allegations, the Group may :-

- (i) Seek the comments/reports of the Secretary and/or CVO of the concerned Ministry/Department/Organisation, comments of officer against whom complaint has been received, and/or
- (ii) Call for the concerned file(s); relevant records, including annual property returns, other reports, etc. as considered necessary.

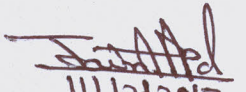
6.2 Having received appropriate inputs/ reports on the complaints, the Group will then proceed in the following manner:-

- (a) In case the records/comments/reports indicate that there is no substance in the complaint, it will be closed under intimation to concerned office from where the complaint was received.
- (b) If after scrutiny, it is found that there is some substance in the complaint, a view would be taken by the Group regarding the nature of the investigation and further action called for and an appropriate recommendation would be made in this regard.
- (c) Thereafter, the recommendation would be submitted to the concerned Competent/ Disciplinary Authority, for further appropriate action.
- (d) If the concerned Competent/Disciplinary Authority, after considering the recommendations of GoO, decides not to proceed further in the matter and close the case/complaint, it would do so by recording reasons for the same and inform the GoO/Cabinet Secretariat.

7. Other miscellaneous matters

- (i) All the concerned Ministries/Departments shall follow a time limit of maximum of 30 days for submission of the initial report/comments on all the allegations made in a complaint and a maximum of 15 days for furnishing any clarifications/additional information sought by the Group of Officers. In particular, in cases where the officer against whom complaint has been made is retiring in near future, the concerned Ministry/Department will ensure submission of their reports in a strict time frame to enable the GoO to submit its recommendations before the date of retirement of such officer.

- (ii) In case the Ministries/Departments do not adhere to the prescribed timeline, the matter would be pursued with the Ministry/Department to clarify the factual position, and if considered necessary, the concerned Secretary may be invited to attend subsequent meeting of GoO as special invitee with relevant progress/status/ report of the case;
- (iii) Anonymous/pseudonymous complaints can be filed with the approval of Secretary (Coordination) and details of such filed complaints will be placed before GoO in its next meeting for information.
- (iv) In respect of complaints received from CVC by Cabinet Secretary and referred to this Group, CVC shall be kept informed at regular intervals about the status/progress.
- (v) If any complaint received by GoO is also under investigation by CVC, GoO may not proceed further with such a complaint.
8. This has the approval of Minister (HI & PE).


(J. N. Prasad)
Director

To

Secretaries of all Ministries/Departments concerned with CPSEs/PSBs/FIs/PSICs.

Copy to:-

1. Secretary (Coordination) in the Cabinet Secretariat,
2. Secretary, Department of Public Enterprises,
3. Secretary, Central Vigilance Commission,
4. Secretary, Department of Financial Services.

Copy also to:-

- (i) PS to Finance Minister
- (ii) PS to Minister (Heavy Industries & Public Enterprises)
- (iii) PS to Minister of State (Heavy Industries & Public Enterprises)
- (iv) Secretary, DoP&T
- (v) Joint Secretary (V), DoP&T
- (vi) Joint Secretary, Cabinet Secretariat (Ms. Indira Murthy)
- (vii) Director, PMO (Ms. Nandini Paliwal)
- (viii) Director (Vigilance), Department of Public Enterprises
