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Directorate of Vigilance & Security
Hongkong Bank Bldg, 3 rd Floor,
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No.V&E/PE/Circular **No 0 1 1 6 7**

0 2 JUN 2010

To,

- 1) Dy.Director (V&E)
Mumbai/Pune/Nagpur
- 2) Asstt.Director Vigilance
Kalyan/Pune/Aurangabad/Nagpur
- 3) Vigilance Officer
Nasik/Bhandp/Kolhapur/Akola
- 4) Dy.Vigilance Officer
Dhule/Sangli/Nanded/Solapur/Latur/Jalgaon/Ratnagiri/
Amravati/Chandrapur

Sub: Guidelines for conducting Preliminary/Discreet/Open Enquiry

Enclosed herewith for information & necessary action is the guidelines for conducting various types of Vigilance enquires. (preliminary Discreet & Open) which may be followed scrupulously.

Encl: as above.

CSO - 229/16
Asstt.Director (HQ)
For Director (V&S)
MSEDCL, Mumbai.

No. VS/INQ/
28th May 2010
CONFIDENTIAL

Subject : Conducting the **"PRELIMINARY ENQUIRY"**
Ref'nce : Inter-action during the meeting held on 17.7.2009; and
This office circular No. VS/Inq/Circular/123/3774 dt.20.9.1980

During inspection of various Vigilance Units, it has been observed that large number of cases/enquiries, either discreet or open, are pending with various vigilance units for a long time. During verification of documents, it is seen that the complaints are not only anonymous/pseudonymous but the allegations made therein are also vague and not worthy of conducting vigilance enquiries at all since the complainants cannot be traced out. Further some of the complaints when analyzed fell under the consumer grievances due to lack of appropriate services provided by O&M staff and did not have any vigilance angle in it.

In the meeting held on 17.7.2009, this matter was discussed and the Director, V&S suggested the need for introduction of a new type of inquiry viz. **"PRELIMINARY ENQUIRY."** The Director V&S had also elaborated the concept of introducing such type of enquiry and the way it is to be conducted etc. The basic concept of "preliminary enquiry" is to ascertain the facts on ground to arrive at a decision whether any type of enquiry is needed or otherwise in such cases. This will not only reduce the work load but also improve the quality of the enquires in hand. As this practice is existing in CBI and other organizations, it is felt that there should be a preliminary scrutiny/enquiry of the complaint if the complaint is anonymous or pseudonymous.

With this end in view, this Directorate has started conducting preliminary enquiries. Recently, it is observed that the vigilance personnel did not understand the very concept and methodology of conducting preliminary enquiries and they started collecting documents from the person against whom

allegations are made and without observing confidentiality in the matter. In view of therefore and in order to make aware of differences in various types of enquiries following guidelines with regard to criteria, methodology and time limit for conducting enquiry are issued:

A.Preliminary Enquiry

Criteria : Anonymous/pseudonymous complaint/information in which details about allegations are vague. Names of alleged persons are not specific and likewise.

Methodology : After receiving the papers for Preliminary Enquiry,

- (1) The officer should go through the complaint/application and take a note of the allegations made, names of officers against whom allegations are made and whether the specific details of acts of commission or omission are mentioned in the said complaint.
- (2) If the complaint/application is vague without mentioning any name , any specific allegation and there is no lead to enquire in the matter further the E.O. should sent a report to the Director, V&S through the Regional Dy. Director recommending filing/closure of such complaint at this stage itself.
- (3) If the complaint mentions names of officers but the allegations are vague then the general reputation of alleged officer should be found out secretly and if it is not beyond doubt and the allegations are vague and cannot be probed further recommendation for closure/filing of the said complaint should be sent to the Director, V&S.
- (4) If the allegations are specific and there is scope of conducting further enquiries in the matter, then, prima facie, confirmation about the nature of allegations, names of officers involved and specific instances should be verified and after verification, report for making this complaint as "open enquiry" or "discreet enquiry" should be sent to the Director, V&S and after getting the orders of the enquiry further probe should be started.

Time limit : Should complete within 15 days from the receipt of reference from HO.

B. Discreet/Confidential Enquiry

Criteria : All types of complaints/information in which specific or vague allegations regarding corruption irregularities, disproportionate assets etc. are made and the names of alleged persons are given.

Methodology : In discreet/confidential enquiries, the Inquiry Officer should ensure that

- (1) the required information is collected by him by secretly contacting the persons concerned and / or by perusing the relevant records secretly,
- (2) the person against whom the enquiry is being made or any person who is likely to be interested in him should not know that such an enquiry is being conducted nor of course it should be talked about closely with others,
- (3) No statements should be recorded in the course of a discreet enquiry.
- (4) In short, all available material and information should be collected with utmost secrecy.
- (5) If the allegations contain information which can be verified from any document or file or any other departmental records, the I.O. should without loss of time, secure such records etc. for personal inspection and retain it if it contains evidence in support of the allegations.
- (6) In case, where the alleged facts are likely to be known to other persons, the I.O. should verify them orally.
- (7) In certain types of complaints, particularly those pertaining to works, the I.O. may find it helpful to make a site inspection or a surprise check to verify the facts on the spot and also to take suitable action to ensure that the evidence found there in support of the allegation is not disturbed.

Time limit : Should complete within 30 days from the receipt of reference from HO.

Note : If the discreet enquiry reveals the requirement of further probe, suggestion for conducting open enquiry should be made to Head Office.

C. Open Enquiry:

Criteria : All types of complaints/information having specific allegations in all respects against specific persons/employees.

Methodology : In open enquiries, the Inquiry Officer should

- (1) prepare plan of action,
- (2) record the statement of the complainant noting therein all the circumstances within his knowledge with regard to the allegations,
- (3) record the statements of all witnesses whose name might transpire during the examination of the complainant and other witnesses,
- (4) collect all available documentary evidence including circumstantial evidence in support of the allegations,
- (5) record the statement of the person against whom allegations have been leveled (complaint should not be shown to the person against whom the allegations are leveled or disclosed the identity of the complainant),
- (6) record the statement of all persons cited in defense,
- (7) examine relevant record so as to formulate definite information on the allegations,
- (8) cross examine the statements given by various persons during the course of enquiry and record supplementary statements, if necessary etc.
- (9) If any new point arise during the course of enquiry, they should be added to the list to ensure that no point is left out.
- (10) The I.O. should acquaint himself thoroughly with the rules, regulations, operating procedures and working of the office or the unit to which the matter under enquiry pertains.

Time limit : Should complete the enquiry within 60 days from the receipt of reference from HO..

Note : In case a particular enquiry is taking more time than the one prescribed the I.O. should scrupulously submit an interim report giving the details of the investigation so far conducted, what remains to be done and the time that will take to complete the same. The I.O. should complete the same within that extended time.

The officers to whom this is marked are directed to bring the contents of this circular and direct them to follow the guidelines scrupulously.

The supervisory officers viz. Dy. Directors and Asstt. Directors should ensure that an officer who conducts Preliminary Enquiry should not be given the same enquiry if it turns into Discreet or Open enquiry and likewise E.O. of Discreet enquiry should not be the same if it turns out to be an Open enquiry.

Other instructions/guidelines contained in the circular under reference remain unchanged.


(Hemant Nagrale) 29/5/10
Spl. IG of Police
& Director, V&S

To

1. The Dy. Directors MSEDCL (MR) Kalyan , (PR) Pune, (NR) Nagpur
2. All in-charges of Vigilance Units