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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7513/2019

PREETI KATIYAR

..... Petitioner

Through: Mr Vishwendra Verma, Advocate.

versus

CENTRAL VIGILANCE COMMISSION  
& ORS

..... Respondents

Through: Mr Ravinder Agarwal, Advocate for  
R-1/CVC.  
Mr Kirtiman Singh, CGSC with Mr  
Amti Sinha, GP for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**30.07.2019**

**CM No. 31301/2019**

1. Allowed, subject to all just exceptions.

**W.P.(C) 7513/2019**

2. The petitioner has filed the present petition impugning an order dated 29.04.2019 passed by the Central Vigilance Commission (CVC), informing the petitioner that her complaint has been sent to the CVO (Central Vigilance Officer), Department of Personnel and Training (DoPT) and Central Board of Direct Taxes for necessary action. The petitioner was also informed that in these cases, the Commission does not expect a report from the aforesaid departments and it is for the department concerned to take

further action.

3. It is the petitioner's case that CVOs do not have the jurisdiction to examine the complaint made by the petitioner and, therefore, it is not open for the CVC to refer the same to the CVOs of the concerned departments.

4. Mr Verma, learned counsel appearing for the petitioner contends that the action of sending the complaints to a CVO is contrary to the Vigilance Manual, 2017 (hereafter 'the Manual') which requires CVC to take action in composite cases. The petitioner relies on Clauses (a) and (c) of Paragraph 1.2.2 of the Manual, which expressly states that in composite cases, CVC's advice would be necessary in respect of all officers of the Central Government or an organisation under it, irrespective of their level, if they are involved in the matter in which Category 'A' is involved. Category 'A' has been defined under Clause (a) of Paragraph 1.2.1 of the Manual. It is noticed that the officers falling in Category 'A' are those officers that are also covered under Section 8(2) of the Central Vigilance Commission Act, 2003 (CVC Act). Similarly, Clause (c) of Paragraph 1.2.2 of the Manual also provides that CVC's jurisdiction extends to any employee of Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Government, irrespective of the category or class or group of employees.

5. However, the issue involved in the present case does not relate to the jurisdiction of CVC but its action in forwarding the complaints to CVOs. The learned counsel appearing for the respondent/CVC has referred to Paragraph 3.4.1 of the Manual, which provides for the various actions that

may be taken on a complaint filed with the CVC. Clearly, the CVC is not required to examine and take action in all complaints. It is not disputed that the CVC is required to deal with the complaints in the manner as specified in the Manual. One of the actions that can be taken by the CVC is to refer the complaint to the concerned CVO. If the CVO finds that there is a vigilance angle involved, the CVO is required to make a reference to the CVC.

6. Clearly, in certain cases where CVO does not take action and closes the matter, the concerned complainant can, if aggrieved, assail the said decision.

7. The learned counsel appearing for the petitioner contends that since the officers of two departments are involved and the complaint has been sent to two separate CVOs, they would not have the jurisdiction to examine the said complaint. This contention is unmerited. Even if one of the CVOs finds that there is a vigilance angle, the CVC would be required to act on its report.

8. In view of the above, no interference is called for at this stage. Needless to state that if no action is taken by the CVOs or if the petitioner is aggrieved by any decision taken by the CVOs, it would be open for the petitioner to avail all such remedies as available in law.

9. The petition is disposed of.

**VIBHU BAKHRU, J**

**JULY 30, 2019/MK**