CIRCULAR NO. 01/2020

Dated: 30.01.2020

Sub: PROCEDURE / POLICY FOR HANDLING COMPLAINTS

CVC circular No. 15/7/09 dated 01.07.2009 instructs all Organizations to devise complaint handling policy to have uniform practices and procedures in the handling and processing of complaints in organizations. The following procedure/policy, in line with CVC guidelines, is laid down for handling of complaints in FCI:-

1. All complaints should invariably be registered in a register to be maintained in each office in the proforma stated below and status of pending complaints should be apprised to higher authority in monthly returns in existing format:-

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Complaint Name of the complainant / Address</th>
<th>Name of the Officers/Officials named in the complaint</th>
<th>Whether complaint received from higher office. If yes, then mandate (NA,DF,F R,IR,AT)*</th>
<th>RO file reference no.</th>
<th>ZO file reference no.</th>
<th>HQrs. file reference no.</th>
<th>Status</th>
</tr>
</thead>
</table>


2. Information gathered from reports, returns, news-papers, etc., will be included under the term “complaint” and will be dealt with in the same way as letters of complaints. Information received verbally will

3. Vigilance section will give cognizance to only those complaints in which there is an allegation of corruption or improper motive or if the alleged facts prima-facie indicate an element or potentiality of a vigilance angle. Complaints which relate to purely administrative matters or of technical lapses such as late attendance, disobedience, insubordination, negligence, lack of supervision, or operational or technical irregularities, and other lapses not having a vigilance angle, will not be dealt in vigilance section (para3.5.1(c) Chapter III of Vigilance Manual, Seventh Edition).

4. CVC issued instructions regarding action on anonymous / pseudonymous complaints vide Circular No. 03/03/16 dated 07.03.2016. It states that no action should be taken on anonymous / pseudonymous complaints and should be filed. However, where action was initiated on such complaints prior to 29.06.1999, the same is to be pursued for logical end. Further, CVC also permits action on such complaints pertaining to the period between 11.10.2002 and 25.11.2014 where prior concurrence of CVC has been taken. For anonymous complaints pertaining to the period 29.06.1999 to 11.10.2002, if material evidence was gathered during investigation / verification of the complaint, the same can be utilised for further initiation of disciplinary proceedings.

5. It is noticed that complaints are simultaneously marked to many authorities which results in parallel investigation of the same complaint by various authorities putting avoidable burden on limited resources available with Vigilance Divisions. So it is directed that normally, complaints should be investigated only by the authority to whom it is addressed. However, if it is felt that there is role of the addressee authority in the alleged complaint, a higher authority would cause investigation.

6. As per CVC direction contained in circular No.57/8/04 dated 31.08.2004, to avoid unnecessary harassment to the officials against
whom frivolous complaints are received at the time of their promotion/selection, the guidelines are that:

(a) As a rule, complaints/cases which are more than 5 years old and no action has been taken till then, should not be investigated. However, the limit of 5 years will not apply to cases of fraud and other criminal offences; and

(b) No cognizance should be taken of any complaint which is received 6 months prior to the initiation of selection process for senior posts.

7. It is seen that complaints are investigated in non-standard form often missing important details, so it is again directed that all complaints should be investigated as per format provided in annexure A of CVC Circular No.21/8/09 dated 06-08-2009.

8. On processing the complaint made under the Public Interest Disclosure and Protection of Informers Resolution (PIDPI) Resolution 2004; the identity of the complainant is to be withheld by all authorities unless otherwise disclosed by the complainant herself / himself. (CVC Manual Para 4.1.1 (c)(f), Chapter IV of Vigilance Manual, Seventh Edition).

9. Authorities may not entertain any further correspondence with the complainants, but will ensure that complaints are investigated and action taken to its logical conclusion.

10. Complaints marked to subordinate offices should clearly spell out the mandate on CVC pattern as follows:

(a) For necessary action – no report is required to be sent on such complaint.

(b) Action as deemed fit – no further reference be made with higher office.

(c) Factual report – a report may be sent to higher authority with or without investigation.
(d) Investigation report – investigation be conducted and report be sent to higher office with recommendations of competent authority.

(e) Action taken – action taken report be sent to higher office.

11. In cases where it is felt that investigation by Central Bureau of Investigation is necessary in terms of circumstances enumerated in Vigilance Manual, Seventh Edition Para 3.1.1; a proposal for the same should be sent to CVO. No case will be handed over to CBI without approval of CVO/CMD.

12. If complaint against an employee of Corporation is found to be malicious, vexatious or unfounded, action in terms of Vigilance Manual, Seventh Edition Para 3.12 should be initiated against the complainant for making false complaint. Habitual complainants making false complaints should be dealt with sternly.

13. It is expected of officers investigating complaints to clearly report findings based on merits. Lop-sided, incorrect, imaginary investigations lead to misguided action against the employees which not only demoralise the affected employees but also prove to be a wasteful and futile exercise.

14. Separate file should be opened for each authenticated complaint.

15. Once a complainant confirms the complaint and action has been initiated for inquiry/investigation, it is not permissible to withdraw / stop such enquiry / investigation even if the complainant withdraws his complaint. The allegations contained in the complaint have to be taken to its logical conclusion irrespective of complainant's request for withdrawal of the complaint (Vigilance Manual, Seventh Edition, Para 3.13).

16. Complaints received vide email should contain postal address and mobile/ telephone number, if any, of the sender. Complaints without
such information are to be treated as anonymous or pseudonymous and filed.

17. Where the allegations are vague and general and prima facie unverifiable, it may be decided with the approval of the head of the Department, where considered necessary, that no action is necessary and the complaint should be dropped and filed (Vigilance Manual, Seventh Edition, Para 3.5.2).

This issues with the approval of CVO/ED (Vig.).

(Amit Bhushan)
General Manager (Vig.)

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