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No. 19/2/05-387/20204-20208
Government of Punjab
Department of Vigilance
(Budget & Establishment Br.)

To

1. All Heads of Departments.
2. All Commissioners of Divisions.
3. All Deputy Commissioners in the State.
4. Director, Vigilance Bureau, Punjab.
5. Registrar, Punjab and Haryana High Court.

Dated, Chandigarh, the 21/12/05

Sub:- Policy and procedure relating to Grant of Sanction
For Prosecution in respect of Corruption cases.

Sir.

I am directed to invite your attention to para 1(1) of this Department circular letter No. 19/4/99-4V(1)/1029 dated 16.1.2002 on the subject noted above and to say that it has come to notice that prosecution sanction has often been denied on the basis of findings in a parallel enquiry conducted by the Administrative Department or the version of the accused Officer during personal hearing and that the material collected by the Investigating Officer of the Vigilance Department during the investigation is not given due consideration.

2. In this connection it is necessary to reiterate that the judgment of the Supreme Court in the case of Superintendent of Police. CBI Vs/ Deepak Chaudhary, [1996(1)SIJ SC 171] has clarified that grant of sanction is only an administrative function where the evidence collected during investigation has to be placed before the competent authority which is then to prima facie satisfy itself as to whether or not the relevant facts constitute an offence. In this view of the matter, there is no occasion for launching of parallel departmental enquiries or for granting personal hearings

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before the competent authority reaches its conclusion. Accordingly, it is once again reiterated that such practices need to be dispensed with in order to ensure early decision on cases where sanction for prosecution has been sought by the Vigilance Bureau.


Yours faithfully,


Additional Secretary Vigilance
for Chief Secretary to Govt. of Punjab.

No. 19/2/05-387/ 20209

Dated, Chd, the 21/12/05


A copy is forwarded to all the Administrative Secretaries to Government Punjab for information and necessary action.


Additional Secretary Vigilance
for Chief Secretary to Govt. of Punjab.

No. 19/2/05-387/ 20210

Dated, Chd, the 21/12/05

A copy is forwarded to Principal Secretary/Secretaries/Private Secretaries to Chief Minister/Ministers/Ministers of State for information of Chief Minister/Ministers/Ministers of State.


Additional Secretary Vigilance
for Chief Secretary to Govt. of Punjab.