

Government of Jammu and Kashmir
General Administration Department
(Vigilance) Civil Secretariat, Jammu/Srinagar

Subject: Mandatory Vigilance Clearance for obtaining Passport by Government Employees - Clarification thereof.

Circular No. 01-JK(GAD) of 2022
Dated: 04.01.2022

Attention of Administrative Departments/Heads of Departments/ Passport issuing/verifying authorities is invited towards Circular No. 35-JK(GAD) of 2021 Dated 16.09.2021, wherein it has been made mandatory to seek the latest vigilance status of a Government employee applying for issuance of a passport. These instructions have been notified in consonance with the guidelines prescribed by the Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, Government of India vide Office Memorandum dated 18th February, 2020 read with Office Memorandum dated 28.03.2018 (copies enclosed).

However, instances have come into the notice of the Government that in view of the aforementioned circular instructions, the Passport issuing authority as well as verifying agencies are also insisting for obtaining latest vigilance clearance in respect of the Government employees before initiating the verification process, which causes unnecessary delay and unwarranted inconvenience in issuance of Passport to the applicants, which is/was, however, not the underlying intention of the said instructions.

With a view to remove the ambiguity involved, if any, at any level, it is further clarified that once the prior intimation (PI) given by the applicant (government employee) in Annexure-H is duly acknowledged by the Controlling/Administrative Authority/Employer in favour of such employee **OR** the prescribed annexure/certificate is issued in favour of such employee by his/her Controlling/Administrative Authority/Employer, it shall be presumed that the concerned department has obtained the prior vigilance status in respect of the intending applicant and the Passport issuing authority/verifying agencies (CID/Police) shall not separately insist for seeking vigilance clearance/status. It shall be the responsibility of the Controlling/Administrative Authority/Employer of the employee to seek his/her prior vigilance status


04.01.2022

before acknowledging the prior intimation given by such employee or before issuing the prescribed annexure/certificate in his/her favour. It is also clarified that the Police/CID shall undertake character/antecedent verification at their level independent of the vigilance status of the government employee.

These instructions shall be in amplification of Circular No. 35-JK(GAD) of 2021 dated 16.09.2021, issued on the subject matter.

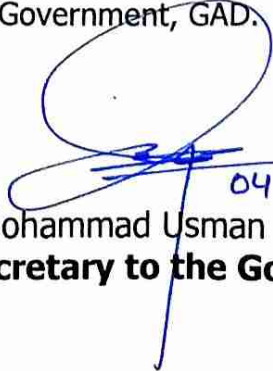
Sd/-
(Manoj Kumar Dwivedi) IAS,
Principal Secretary to the Government.

No. GAD-VIG/2/2021-02-GAD

Dated: 04.01.2022

Copy to:

1. Financial Commissioner (ACS), Finance Department.
2. Financial Commissioner (ACS), Health & Medical Education Department.
3. Director General of Police, J&K.
4. All Principal Secretaries to the Government.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Principal Secretary to the Lieutenant Governor.
7. Special Director General of Police, CID, J&K.
8. All Commissioner/Secretaries to the Government.
9. Chief Electoral Officer, J&K.
10. Director General, IMPARD, J&K.
11. Joint Secretary (J&K), Ministry of Home Affairs, GoI.
12. Director, Anti Corruption Bureau, J&K.
13. Divisional Commissioner, Kashmir/Jammu.
14. Chairperson, J&K Special Tribunal.
15. Director Information, J&K.
16. All Deputy Commissioners.
17. All Heads of Departments/Managing Directors/Secretary, Advisory Boards.
18. Registrar General, J&K High Court, Jammu.
19. Secretary, J&K Public Service Commission/SSB/ BoPEE.
20. Director, Estates, J&K.
21. Director, Archives, Archaeology and Museums, J&K.
22. Secretary General, J&K Legislative Assembly.
23. Secretary, J&K Academy of Art, Culture & Languages.
24. All Regional Passport Officers, UT of J&K.
25. General Manager, Government Press, Srinagar/Jammu.
26. Private Secretary to the Chief Secretary, J&K.
27. Private Secretary to Advisor (F) & (B) to the Lieutenant Governor.
28. Private Secretary to Principal Secretary to the Government, GAD.
29. I/c GAD Website.
30. Circular file.


04.01.2022
(Dr. Mohammad Usman Khan) JKAS,
Deputy Secretary to the Government.



F. No. 11012/7/2017-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training
Establishment A-III Desk

North Block, New Delhi – 110001
Dated 18th February, 2020

OFFICE MEMORANDUM

Subject: Grant of vigilance clearance for obtaining passport.

The undersigned is directed to refer to this Department's O.M. of even no. dated 28.03.2018 prescribing the guidelines for grant of vigilance clearance for obtaining passport. The guidelines have been reviewed by this Department in consultation with Central Vigilance Commission and Ministry of External Affairs (MEA).

2. MEA has also issued the guidelines for issuance of ordinary Passport to the Government servants vide O.M. No. VI/401/01/05/2014 dated 26.05.2015, wherein procedures to be followed in this regard have been prescribed.

3. In view of the above, it is mandatory for the administrative Department/ Controlling Authority to check as to whether any provision of the Section 6(2) of the Passport Act, 1967 is attracted in case of employees, who are working under them, while obtaining Indian Passport. As such, it is required to check the vigilance clearance of such Government servants.

4. Accordingly, it has been decided that vigilance clearance can be withheld only under the following circumstances:

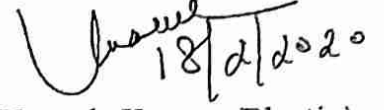
- (i) The officer is under suspension;
- (ii) Charge sheet has been filed in a Court by the Investigating Agency in a criminal case or after grant of sanction by the Competent Authority under PC Act or any other criminal matter and taken cognizance of by the Court of Law.

5. All Ministries/ Departments/Offices are requested to bring the above guidelines to the notice of all Disciplinary Authorities under their control.

Contd..

6. This OM is issued in supersession of this Department's earlier OM. No. 11012/7/2017-Estt.A-III dated 28th March, 2018.

7. Hindi version will follow.



(Umesh Kumar Bhatia)

Deputy Secretary to the Government of India

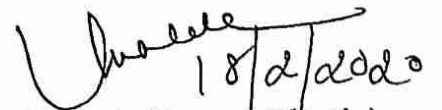
Tel: 011-23094471

To

The Secretaries of All Ministries/Departments
(as per the standard list)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
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6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Central Vigilance Commission, New Delhi
8. The Secretary, Union Public Service Commission, New Delhi.
9. The Secretary, Staff Selection Commission, New Delhi.
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11. National Commission for Scheduled Castes, New Delhi.
12. National Commission for Scheduled Tribes, New Delhi.
13. National Commission for OBCs, New Delhi.
14. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
15. CVOs of all Ministries/Departments.
16. ADG (M&C), Press Information Bureau, DoP&T
17. NIC, Department of Personnel & Training, North Block, New Delhi [for uploading the same on the website of this Ministry under the under the Head Notifications → OMs & Orders → Establishment → CCS (CCA)Rules & What's New]
18. Hindi Section, DoP&T



(Umesh Kumar Bhatia)

Deputy Secretary to the Government of India

Tel: 011-23094471

F. No. 11012/7/2017-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training
Establishment A-III Desk

North Block, New Delhi – 110001
Dated 28th March, 2018

OFFICE MEMORANDUM

Subject: Grant of vigilance clearance for obtaining passport.

The undersigned is directed to say that matter regarding guidelines for granting vigilance clearance to members of the Central Civil Service holding Central Civil Posts have been reviewed and it has been decided to lay down guidelines for grant of vigilance clearance to the Government servant for obtaining Indian Passport.

2. Ministry of External Affairs (MEA) has issued the guidelines for issuance of ordinary Passport to the Government servant vide O.M. No. VI/401/01/05/2014 dated 26.05.2015 in connection with procedures to be followed in case of passport to be issued to Government servant.

3. In view of the above, it is mandatory for the administrative Department/ Controlling Authority to check whether any provision of the Section 6(2) of the Passport Act, 1967 are attracted in the case of employee, who are working under them, while obtaining Indian Passport. As such, it is required to check the vigilance clearance of such Government servant.

4. Accordingly, it has been decided that vigilance clearance can be withheld only under the following circumstances:

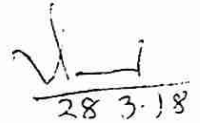
- (i) The officer is under suspension;
- (ii) A charge sheet has been issued against the officer in a disciplinary proceeding and the proceeding is pending.
- (iii) Charge sheet has been filed in a Court by the investigating Agency in a criminal case and the case is pending.
- (iv) Sanction for investigation or prosecution has been granted by the Competent Authority in a case under the PC Act or any other criminal matter.
- (v) An FIR has been filed or a case has been registered by any Government entity against the officer, after a preliminary fact finding inquiry.
- (vi) The officer is involved in a trap/ raid case on charges of corruption and investigation is pending.

5. Vigilance clearance shall not be withheld due to an FIR filed on the basis of a private complaint unless a charge-sheet has been filed by the investigating agency provided that there are no directions to the contrary by a competent court of law. However, the information regarding FIR may be provided to the Passport Office. The final decision will be taken by the concerned Passport Issuing Authority.

6. There may be situations wherein wards and relatives of the civil servants residing abroad (for education and other purposes) could be having medical emergencies or family events. The officer himself/ herself may require to visit abroad for medical reasons. Therefore, as a policy, ordinarily, a passport will not be granted if a disciplinary proceeding is pending against the officer. However, the competent authority can take a view wherein a foreign travel is necessitated due to extreme urgent situation like medical emergencies etc. on case to case basis.

7. All Ministries/ Departments/Offices are requested to bring the above guidelines to the notice of all Disciplinary Authorities under their control.

8. Hindi version will follow.



(Sanjiv Kumar)

Deputy Secretary to the Government of India

Tel: 23093176

To

The Secretaries of All Ministries/Departments
(as per the standard list)

Copy to:

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6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
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