



Corporate (HR-Law)

Empanelment of Inquiring Officers retired from Central Govt./ State Govt./ PSUs

Notification no. AA/HR/G/24/Empt/ HR-Law /2020

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Dated: 24.07.2020

Applications are invited from retired officers of Central Govt./ State Govt./ PSUs (Central & State), not below the rank of Deputy Secretary in case of Central Govt. & equivalent rank in the State Govt. and in the level of E-7 (pay scale 120000-280000) & above in case of PSUs, for empanelment as Inquiry Officers to conduct Departmental Inquiries in BHEL.

TERMS AND CONDITIONS OF EMPANELMENT OF INQUIRY OFFICERS

1. Tenure

The Panel created for the above purpose will be valid for a period of **THREE YEARS**. Based on the performance of the Inquiry Officer, it can be further extended for another three years at a time subject to maximum of 70 years of age.

2. Eligibility:

Essential:

- Must have superannuated from the level of at least E-7 (pay scale 120000-280000) & above in PSU and Deputy Secretary & above in Central Govt./ equivalent rank in the State Govt.
- He/ she should not have been penalized in a disciplinary proceeding case (No penalty in disciplinary proceedings or No prosecution in criminal case) and shall submit an undertaking to this effect.
- Retired Officer willing to serve as Inquiry Officer should not be more than 67 years of age as on 1st August, 2020.

Preferable:

- Previous experience in Vigilance/ HR/ Legal matters preferably with first-hand experience of conducting Departmental Enquiries.

- Retired officers who are working as IOs for other Govt. departments/ PSUs on regular basis.
- Officers retired from CVC or worked in CVC and working as IOs.

3. **Procedure for Appointment:**

- On approval of panel, a formal letter communicating empanelment of selected retired officers as Inquiry Officer shall be issued.

4. **Other Terms and Conditions:**

- He/ She should be in sound health, physically and mentally;
- BHEL reserves the right to obtain vigilance clearance from the respective department/organisation before empanelment.
- He/ She shall be entrusted with the cases for conducting the Inquiry by any Disciplinary Authority as per the rules.
- Mere empanelment as IO will not give any right to any IO to be assigned with the cases.
- The Inquiry Report after its completion should be submitted to the Disciplinary Authority who appointed him as IO.
- The number of disciplinary cases assigned to an Inquiry Officer shall be restricted to 15 cases in a year, with not more than 10 cases at a time.
- The services of Inquiry Officer whose performance is not satisfactory will not be extended further.
- He/ She shall maintain strict secrecy in relation to the documents he/she receives or information/data collected by him/her in connection with the Inquiry and utilise the same only for the purpose of Inquiry in the case entrusted to him/her. No such documents/information or data are to be divulged to any one during the Inquiry or after presentation of the Inquiry Report. The I.O. entrusted with the Inquiries will be required to furnish an undertaking to maintain strict secrecy and confidentiality of all records/documents/ proceedings etc. All the records, reports etc. available with the I.O. shall be duly returned to the authority which appointed him/her as such, at the time of presentation of the Inquiry Report;
- The designated Inquiry Officer shall be required to give the following undertaking along with his acceptance:
 - 1) That he/ she is not a witness or a complainant in the matter to be inquired into or a close relative or a known friend of the delinquent employee. A certificate to this effect shall be obtained from the Inquiry Officer with respect to every inquiry and placed on record;
 - 2) That he/ she shall maintain strict secrecy in relation to the documents he/ she receives or information/ data collected by him/her in connection with the Inquiry and utilise the same only for the purpose of Inquiry in the case

entrusted to him/her. He/She shall also be required to sign an NDA in this respect.

- The Inquiry Officer shall submit the Inquiry Report after completing the inquiry within 180 days from the date of his/ her appointment as the Inquiry Officer. Extension of time beyond 180 days can be granted only by the Disciplinary Authority as may be prescribed.
- Before the payment of remuneration is claimed by the Inquiry Officer, it will be the responsibility of the IO to ensure that:
 - 1) The report of findings on each of the Articles of Charge which has been enquired into should specifically deal and address each of the procedural objections, if any, raised by the charged officers as per the extant rules and instructions;
 - 2) There should not be any ambiguity in the inquiry report and therefore every care should be taken to ensure that all procedures for conducting departmental inquiries have been followed in accordance with the relevant rules/ instructions of BHEL CDA Rules.

5. Entitlements :

Items	Time* taken for completion of departmental inquiry and submission of report	Rate per case (in Rupees)
Remuneration**	Within 45 days	Rs 75,000/-
	Within 90 days	Rs 50,000/-
	Beyond 90 days	Rs 40,000/-
Secretarial Assistance	<ul style="list-style-type: none"> • Room for conducting the inquiry will be provided • Clerical assistance whenever the inquiry is held will be provided. However, Rs 30,000/- per case shall be given only if no assistance is provided by BHEL. 	

* Time taken shall be reckoned from 10th day of date of receipt of order of appointment.

**This remuneration would include work of preparation of Inquiry Report.

- TA/DA/ Accommodation in BHEL Guest House or hotel (in case of unavailability of BHEL Guest House) as per the entitlement of an Executive in the level of E-7/E-8/E-9 etc in BHEL as the case may be.
- Local transport facility or reimbursement of conveyance charges as per BHEL Rules.
- 65% of the remuneration will be paid on submission of Inquiry Report after the same is accepted by Disciplinary Authority. Balance 35% shall be paid after the finalization of disciplinary proceedings or 45 days from the date of acceptance of Inquiry Report whichever is earlier.

6. **Removal from Empanelment**

Empanelment as IO can be terminated at any time for performance-related or any other reasons, after serving a Show Cause Notice to the empanelled IO, to be replied within 30 days from the date of issuance of such Notice. Such Show Cause Notice shall preferably be issued by Speed post and e-mail.

7. **Removal as Inquiry Officer:**

Disciplinary Authority who appointed him/ her as IO may, for reasons to be recorded in writing, divest him from the charge of IO in consultation with CVO without notice and without communicating any reasons and in such case no remuneration shall be paid to the IO.

8. **Miscellaneous:**

- The Inquiry Officer shall not engage himself/ herself in any other professional work or service, which is likely to conflict with the performance of his/ her duties as Inquiry Officer during the inquiry.
- BHEL reserves the right to reject any or all applications without assigning any reason(s) thereto. BHEL reserves the right to change/ modify/ cancel the terms and conditions of the appointment without assigning any reason or notice thereof.
- Inquiry Officer appointed in terms of this notification shall conduct Inquiry at the place mutually agreed with the Presenting Officer. In case of disagreement regarding the place of Inquiry, the decision of the DA shall be final and binding.

<u>Important Dates</u>	
Date of Commencement of submission of Application via ordinary post /e-mail	: 27.07.2020
Last date of receipt of Application	: 20.08.2020

No application shall be entertained under any circumstances after the stipulated date. Incomplete applications and applications not submitted as per the prescribed format are liable to be REJECTED.

SUBMISSION OF APPLICATION

Applications may be sent either by ordinary post or through e-mail at corphrlaw@bhel.in Applications will need to be addressed to Senior Executive (Law), Corporate HR-Law, Corporate Office at BHEL House, Siri Fort, New Delhi – 110 049 in the prescribed format (enclosed) along with Identity Proof issued by Government of India. Any other mode of submission of application is unacceptable.