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Amrit Mahotsav



केन्द्रीय भण्डारण निगम
(भारत सरकार का उपक्रम)

CENTRAL WAREHOUSING CORPORATION

(A Govt. of India Undertaking)

जन-जन के लिए भण्डारण/Warehousing for Everyone



No. CWC/XIII-12/Misc/2022

Date 09.10.2024

Complaint Handling Policy

In accordance with the directives of the Central Vigilance Commission to ensure uniform practices and procedures for handling and processing complaints within the organization, the Central Warehousing Corporation has formulated comprehensive guidelines for the complaint handling mechanism in its Vigilance Division. These guidelines are enclosed herewith.

(Alok Kumar Singh)
Dy. General Manager(Vig.)

To,

1. PS to Chairman/PPS to MD/Sr. PA to Director(Finance)/PPS to Director (Pers.)/PPS to CVO,CWC,CO, New Delhi.
2. All HoD, CWC, CO, New Delhi.
3. All Regional Managers, CWC.
4. GGM(MIS), with a request to upload the policy on the CWC Website.

Copy to:

1. PPS to JS (Stg & PG)/ PPS to JS (CVO), Dept. of Food & PD, Min. of CA,F&PD Krishi Bhawan,New Delhi, for kind information please.
2. Sh. P K Mohanty, Director, Central Vigilance Commission, Satarkta Bhavan, Block-A, GPO Complex, INA, New Delhi, for kind information please.

COMPLAINT HANDLING POLICY- 2024

CENTRAL
WAREHOUSING
CORPORATION-
VIGILANCE
DIVISION



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1.0 What is Complaint:-

Receipt of information about corruption, malpractice or misconduct, from Verified source, would be termed as a Complaint. (Chapter III of CVC Vigilance Manual, 2021)

2.0 Source of Complaints:-

Information about fraud, corruption, malpractice or misconduct on the part of CWC employees, supplier/ contractor etc. may be received in the form of complaint from any of the following or the other sources: (Chapter III, para 3.1.1, CVC Vigilance Manual, 2021)

3.0 Types of Complaints:-

- i. **Identifiable or signed Complaints:** Complaints wherein identity of complainant is mentioned by virtue of name, address, contact number etc. Further, Complainant own/confirms the details mentioned in complaint, when the complainant is contacted at the address/contact number mentioned in complaint.
- ii. **Pseudonymous Complaints:** Complaint wherein identity of complainant is mentioned by virtue of name, address & contact details. However, when the signatory of the complaint is contacted at address/contact number mentioned in complaint, the complainant is either disowned or there is no response within a reasonable time.
- iii. **Anonymous Complaint:** Complaints where the complainant has not revealed, verifiable or traceable or contactable identity while making the complaint.
- iv. **Whistle Blower complaints, otherwise known as Public interest disclosure and protection of Informer (PIDPI) Complaints:** Central Vigilance Commission (CVC) is the designated agency for receiving PIDPI Complaints. Such complaints should be made to CVC in the manner prescribed by the commission. Complaint under PIDPI can be made only by Post. These are complaints wherein identity of the complainant is kept confidential and the CVC forwards only the details of the complaint as “source complaint”. The identity of the complainant is not revealed so as to ensure that the complainant is not victimized. The envelope should be super scribed “PIDPI” or



“whistle Blower”. The complainant should refrain from giving their name on the body of letter. The personal details should be separately given or given at the top or end of the letter so that they can be easily blocked out. Whistle Blower(PIDPI) complaints received in the office of CVO, CWC shall be processed as per the extant guidelines of CVC.

4.0 Vigilance Angle Definition:-

- i. Demanding and/or accepting gratification other than legal remuneration in respect of an official’s act or for using his influence with any other official.
- ii. Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
- iii. Obtaining for himself or for any other person any valuable thing or pecuniary by corrupt or illegal means or by abusing his position as a public servant.
- iv. Possession of assets disproportionate to his known source of income.
- v. Case of misappropriation, forgery or cheating or other similar criminal offences.
- vi. There are, however, other irregularities where circumstances will have to be weighted carefully to take a view whether officer’s integrity is in doubt. Gross or wilful negligence; recklessness in decision making ; blatant violations of systems and procedures; exercise of discretion in excess, where no public interest is evident; failure to keep the controlling authority/superior informed in the time- these are some of irregularities where the disciplinary authority with the help of CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.



- vii. Also, any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to presence of vigilance angle.
- viii. The purpose of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organization. Commercial risk-taking forms part of business. Therefore, every loss caused to the organization, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry.

Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial / operational interests of the organization is one possible criterion for determining the bonafides of the case. A positive response to this question may indicate the existence of bonafides. A negative reply, on the other hand, might indicate their absence.

(Chapter I, Para 1.4 of CVC Vigilance Manual, 2021)

5.0 Guidelines on Filing of Complaints with CWC Vigilance

Division

The Central Warehousing Corporation (CWC) Vigilance Division adheres to the guidelines on Complaint Handling Mechanism for all stakeholders as issued by the Central Vigilance Commission OM No 021/VGL/051-500040, Circular No. 25/12/21 dated 24.12.2021 and Central Vigilance Commission Circular No.24/11/22 Dated 03.11.2022, and such instructions, as amended from time to time. The Guidelines on filing of complaints with CWC Vigilance Division are elaborated hereunder:

5.1. GUIDELINES FOR THE COMPLAINANTS

- i. The complaint should be pertaining to CWC and should fall within the jurisdiction of CWC.
- ii. ***CWC Vigilance shall take cognizance of a complaint involving "Vigilance angle" or corruption matters. Complaints which relate to purely administrative matters or of technical lapses such as late attendance, disobedience, official entitlements, insubordination, negligence, lack of supervision or operational or technical irregularities, and***



other lapses not having vigilance angle, will not be dealt in vigilance Division.

- iii. Complaint can be lodged by addressing the written communication/letter directly to CVO, CWC, Vigilance Division, 4/1, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi-110016, alongwith substantiating material/ documents. The complaint should contain name and personal details, complete postal address (mobile/telephone number, if any) of the sender with specific details/information of the matter. Complaint should be signed by the Complainant.
- iv. Complaint can also be lodged under the Complaint Management System (CMS) Portal, available in the CVC website under the link <https://portal.cvc.gov.in/>
- v. Complaint sent on email ID will not be entertained or taken cognizance of by the Vigilance. (Refer para 3.3 of CVC Manual 2021 on Complaint Handling Policy). However, if a signed complaint with complete postal address containing verifiable allegations, involving prima facie vigilance angle, is conveyed via enclosures of an email, such complaint shall be sent for genuineness verification by post and handled like any other written complaint. On the other hand, if allegations are plainly exchanged in the main body of an email without any signed enclosures, such complaints shall not be given cognizance and simply filed.
- vi. A complaint should preferably be lodged in typed or written form in English or Hindi language for facilitating early action thereon.
- vii. All types of complaints, even if printed or photocopied should be clearly legible.
- viii. ***Complaints lodged should be genuine and not malicious, vexatious or frivolous and should be based on verifiable facts. If a complaint against a public servant is found to be malicious, vexatious or unfounded, it might attract action against the complainant as per CVC Guidelines.***



- ix. The Complainant shall provide comprehensive, specific and verifiable details/information of the matter duly supported with admissible evidences.
- x. For the purpose of authentication of the complaint, the complainant is required to provide a copy of his/her Identity proof.
- xi. The complaint should not be biased or based on any personal grievance.
- xii. Normally one specific issue should be raised in one complaint. However, if more than one specific issues are there, it is better to raise the same in separate complaint. Further, Complainants, while forwarding their complaints should mention details one by one in a coherent manner so that the same can be understood unambiguously.
- xiii. The complainants should lodge complaints only regarding issues having vigilance angle and which are not part of any litigation in any courts, tribunals, etc.
- xiv. Complainants who want to keep their identity confidential, should file their complaint under the Public Interest Disclosure & Protection of Informer (PIDPI) Resolution.
- xv. The complainants who want to make whistle blower complaint under PIDPI Resolution should familiarize themselves with the proper procedure of PIDPI Resolution which is available in the link <https://www.cvc.gov.in/?q=citizens-corner/whistle-blower-complaints>.
- xvi. CWC Vigilance shall abide by the DoPT/CVC instructions/guidelines on complaint handling, as amended from time to time.**

6.0. Action on Anonymous/Pseudonymous Complaints:-

- i. No action shall be taken on anonymous/pseudonymous complaints in line with CVC guidelines.



- ii. Any complaint that does not bear the name and address of the complainant is an anonymous complaint. No action is to be taken on anonymous complaints by the Vigilance Division, irrespective of the nature of allegations, and such complaints shall be filed, without any action.
- iii. Similarly, no action will be taken by the Vigilance Division in the case of complaints which are treated as pseudonymous. A complaint that does not bear the full particulars of the complainant or is unsigned or is not subsequently acknowledged by a complainant, will be treated as pseudonymous complaint. Complaints will be referred to the complainant for confirmation / genuineness verification and if no response is received from the complainant within 15 days of sending the complaint, a reminder will be sent. After waiting for 15 days of sending the reminder, if still no response is received, the said complaint shall be filed as pseudonymous.
- iv. ***The Central Vigilance Commission vide Circular No.12/09/20 & Letter no. 98/DSP/09/461535 dated 24.09.2020 has reiterated that no action shall be taken on anonymous / pseudonymous complaint by Ministries / Departments/Organizations in the light of the guidelines issued vide DOPT OM No. 104/76/2011-AVD. I dated 18.10.2013.***
- v. Anonymous, Pseudonymous complaints will be dealt with in accordance with guidelines issued by CVC from time to time.
- vi. As per DoPT Complaint handling policy issued vide OM No. 104/76/2011AVD.I dated 18.10.2013, complaints containing vague allegations could also be filed without verification of identity of the complainant even if identity of complainant is mentioned in the complaint.

7.0 Action against Persons making false complaints: -

Section 182 IPC provides for prosecution of a person making a false complaint. Therefore, if a complaint against public servant is found to be malicious, vexatious or unfounded, serious action should be considered against the complainant. Section 182 IPC reads as under:-



“Whoever gives to any public servant any information which he knows or believes to be false intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant.

- a. *To do or omit anything which such public servant ought to do or omit if the true state of facts respecting which such information is given were known by him or;*
- b. *To use the lawful power of such public servant to the injury or annoyance or any person;*

Shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both”

Under section 195(1) (e) Cr.P.C, a person making a false complaint can be prosecuted on a complaint lodged with a court of competent jurisdiction by the public servant to whom the false complaint was made or by some other public servant to whom he is subordinate.

Alternatively, if the complainant is a public servant, it may also be considered whether departmental action should be taken against him as an alternative or in addition to prosecution.

8.0 Action on Complaints under Purview of Administrative Ministry

- i. Complaints against Board level officials are within purview of the Chief Vigilance Officer of the Administrative Ministry. Where the complaints against the Board level officials are received, the same shall be forwarded to the CVO of the Administrative Ministry. In case, the Administrative Ministry calls for a report wherein the complaint is against Board level officials, a factual report shall be sent to the Ministry.
- ii. At times, the complaints are forwarded by the Administrative Ministry for report. In all such cases, the factual report shall be sent to the Ministry.

9.0. Miscellaneous Instructions:

- i. ***In case Complaints/grievances is addressed to multiple authorities and marked as a copy to the CVO,CWC; no action would be taken on such complaints/grievances until it is forwarded to the Corporation/CVO,CWC by the authority for***



necessary action through proper channel or the complaint is directly addressed to CVO, CWC as recipient. (Para 3.4.3(a)(ii) of CVC Manual 2021).

- ii. Repetitive Complaints devoid of any substantial and specific evidence are to be avoided. Any such complaints which merely contain sweeping statements/vague allegation will not be entertained. Also, repetitive complaints which are already been acted upon will not be entertained.***
- iii. Authorities may not entertain any further correspondence with the Complainants, but will ensure that complaints are examined and action taken to its logical conclusion.
- iv. Complaints not having vigilance angle will either be filed or will be referred to the concerned Division for necessary action.
- v. Complaints wherein similar issues are raised repeatedly by merely adopting minor changes in the languages just to change tone and tenor shall not be entertained. (Para 2(j) of CVC circular dated 24.12.2021).***
- vi. As per the CVC direction contained in circular no. 57/8/04 dated 31.08.2024, to avoid unnecessary harassment to the officials against whom frivolous complaints are received at the time of their promotion/selection, the guidelines are that:
 - As a rule, complaints/cases which are more than 05 year old and no action has been taken till then, should not be investigated, However, the limit of 05 years will not apply to the cases of fraud and other criminal offences; and
 - No cognizance should be taken on any complaints which is received 06 months prior to the intimation of selection process for senior posts.
- vii. Information gathered from reports, returns, newspaper, 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 be reduced to writing and dealt with similarly. (CVC Vigilance Manual Para 3.1.2, Eighth edition).
- viii. Complaints marked to subordinate offices should clearly spell out the mandate on CVC pattern as follows;
 - For necessary action- no report is required to be sent on such complaint.



- Action as deemed fit – no further reference be made with higher office.
 - Factual report- a report may be sent to higher authority with or without investigation.
- ix. 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 complainants request for withdrawal of the complaint. (CVC Vigilance Manual, 2021 Para 3.1.3, Eighth edition).
- x. ***On receipt of any complaint containing any allegations against any tender in processing/decision stage, the tender process need not be stopped. However, the allegation should be brought to the notice of the competent Authority, including the Purchase committee, Tender Committee, Negotiation committee etc. The complaint should be processed independently after final decision is taken by the Tender/ Purchase Committee and / or the Competent Authority. (CVC office order no. 25/7/06 dated 06.07.2006)***