



**MOIL LIMITED**  
(A Government of India Enterprise)

# VIGILANCE VANI

MONTHLY NEWS LETTER OF VIGILANCE MOIL

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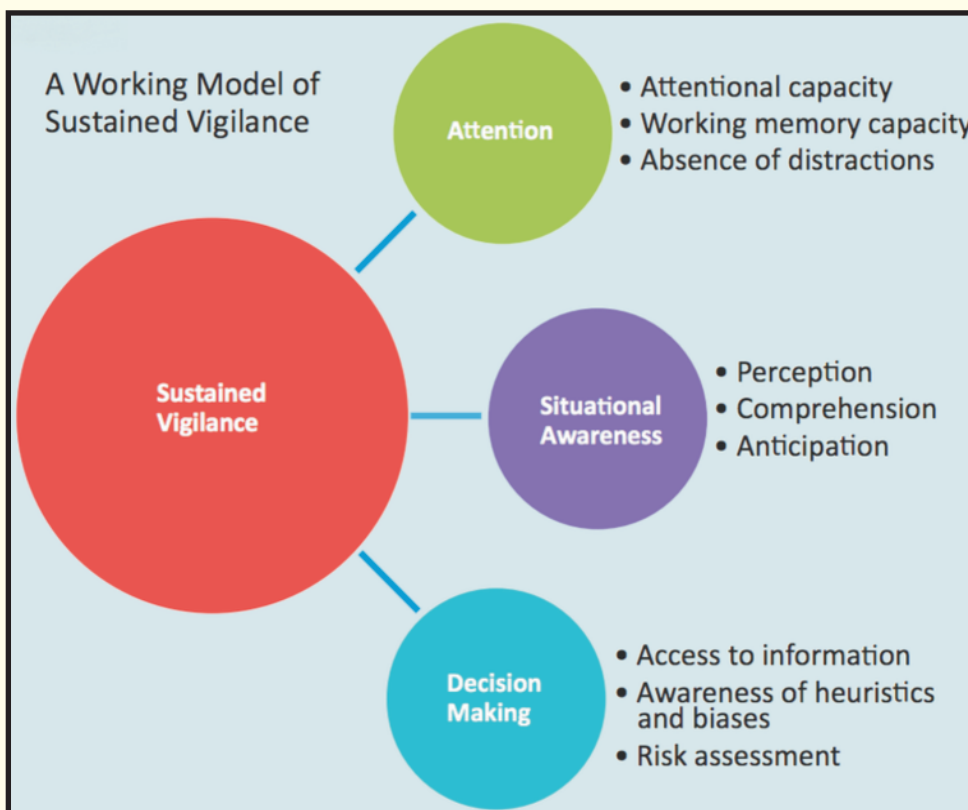
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## Management Audit of Vigilance Unit (MAVU), 5<sup>th</sup> & 6<sup>th</sup> of July'2023



In order to exercise effective supervision, the Management Audit of Vigilance Unit (MAVU) was conducted by a team of officers from the CVC on 5<sup>th</sup> & 6<sup>th</sup> of July' 2023 to have a deeper insight into the functioning of MOIL's Vigilance Unit/department as per Commission's Circular no 24/12/21 dated 23.12.2021. A team of CVC Directors Shri Girish Chandra Aron, Shri T. P. Sharma and Shri Ajay Kumar Verma conducted audit by scrutinizing vigilance work in MOIL for the year 2022-23 followed by field visit at Gumgaon Mine. The report has been submitted to the commission suggesting some items to be discussed after getting remarks from them on these items.

Monthly News Letter "Vigilance Vani" are available on MOIL Website under Vigilance tab 'e-publishing'. Details of Systemic Improvement are available on MOIL intranet under Knowledge sharing Tab-Vigilance.

## Preventive Vigilance -Case Studies on Observance of Conduct Rules

### Case I

Shri XYZ was the honorary secretary of the local "Kala (Art) Bhawan" for which he was paid Rs.5000/- per month as an honorarium.

**Clause16.-Private Trade of Employment:** No employee shall, except with the previous sanction of the Company, engage directly or indirectly in any trade or business or undertake any private employment. Provided that an employee may, without such sanction undertake honorary work of a social or charitable nature or occasional work of a literary, artistic, or scientific character, subject to the condition that his official duties do not thereby suffer and subject further to the condition that he shall discontinue such work if so directed by the Company.

**Explanation:** No employee may accept any fee for any work done by him for any public body or any private person without the sanction of the Competent Authority.

### Case II

1. Mr. XYZ son has been absorbed in a MNC which had bagged a project in his unit being handled by his immediate subordinate.
2. The Country head of the MNC was known to Mr. XYZ through previous projects and he had put in a word about his son for job.

### Clause 5.-Employment of near relatives of employees in private firms enjoying Company patronage:

1. No employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any private firm connected or having dealings with the Company.
2. a) No employee shall except with the previous sanction of the Company, permit his son, daughter, or other dependent to accept employment in any private Company or firm having official dealings with the company provided that where the acceptance of such employment cannot await prior permission of the Company or is otherwise considered urgent, the matter shall be reported to the company and the employment may be accepted provisionally subject to permission of the Company.

### Case III

Shri XYZ taken interest free loan of Rs. 2.5 lacs from his wife/near relatives.

### Clause 17.-Investment, Lending and Borrowing:

4) b) Lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid;

i) Provided that an employee may give to, or accept from a relative or a personal friend, a purely temporary loan of a small amount free of interest, or operate a credit account with a bonafide trades-man or make an advance of pay to his private employee.

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by an employee with the previous sanction of the Company.

### Case IV

Shri XYZ operated as a LIC agent after regular office hours. This agency was in the name of his wife but the appearance of his company cell number on the letter head of the agency helped people in search of investing in insurance policies to get in touch.

**Clause16.-Private Trade of Employment :** No employee shall, except with the previous sanction of the Company, engage directly or indirectly in any trade or business or undertake any private employment. Provided that an employee may, without such sanction undertake honorary work of a social or charitable nature or occasional work of a literary, artistic, or scientific character, subject to the condition that his official duties do not thereby suffer and subject further to the condition that he shall discontinue such work if so directed by the Company.

### **Explanation:**

1. Canvassing by an employee in support of the business of insurance agency or commission agency, owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.
2. Every employee shall report to the Company if any member of his family is engaged in a trade or business, or owns or manage an insurance agency or commission agency.

### Case V

Till date Shri XYZ take care of medical treatment from company for his family including his son (working in MNC) and daughter (married).

**As per MOIL Employees Medical Attention rules : (office order dated 15.09.2018)**

#### **Definition of "Family":**

- For Serving Employees:
  1. The employees & his/her spouse.
  2. Legitimate & step children wholly dependent on the employee (Son & Daughter).
  3. Minor brothers and minor unmarried sisters or widowed sisters wholly dependent.
  4. Major mentally retarded or physically challenged wholly dependent brother & sister.
  5. Parents wholly dependent on and residing with the employee.
- For Retired Employees
  1. Retired employees & his/her spouse
  2. Physically/mentally challenged children of retired employees (subject to obtaining disability certificate under the Persons with Disabilities act 1995).

### Case VI

**Mr. XYZ well-wishers had arranged for a trendy new car which was gifted to his son-in-law.**

#### **Clause 14. Gifts:**

i) An employee of the company shall not accept or permit any other member of his/ her family or any other person acting on his / her behalf to accept any gift, without the sanction of the competent authority, if the value thereof exceeds Rupees, 5,000 in case of executives and Rs.2,500 in case of non-executives.

#### **Explanation:**

The expression "**Gift shall include free transport, boarding, lodging or any other service or any other pecuniary advantage when provided by any person than a near relative or personal friend having no official dealings with the employee**".

- ii) On occasions such as wedding, anniversaries, funerals and religious functions when making of gifts is in conformity with the prevailing religious or social custom such gifts may be accepted:
- a. from near relatives, provided that a report shall be made to the Company if the value of any such gift exceeds five hundred rupees; and
  - b. from personal friends having no official dealings with the employee, provided that a report shall be made to the Company, if the value of any such gift exceeds three hundred rupees.

### Case VII

**Mr. XYZ purchased various materials for official purpose from firms owned by his near relatives.**

#### **Clause 5. Employment of near relatives of employees in private firms enjoying Company patronage:**

**2(C)** No employees shall in the discharge of his official duties deal with any matter relating to or award any contract in favour of a Company or firm or any other person if any member of his family is employed in that Company or firm or under that person or if he or any member of his family is interested in such Company or firm or other person in any other manner.

### Case VIII

**Mr. XYZ is a member of selection/ scrutiny committee of a recruitment drive of his company. One near relative's sons of Mr. XYZ also applied for the same recruitment.**

#### **Recruitment & Promotion Rule 2013**

#### **Clause 6.2, Agency To Select Candidates:-**

(vii) All persons associated with the selection process including committee members, shall give a letter of undertaking disclosing conflict of interest, if any, in the process.

### **Case IX**

**Mr. XYZ purchased row house/ inherited plots or house without intimating / taking approval from Competent Authority.**

#### **Clause 20(2)**

No employee shall except with the previous knowledge of the Chairman & Managing Director acquire or dispose of any immovable property by lease, mortgage, purchase, sales, gifts or otherwise either in his own name or in the name of any member of his family. Provided that the previous sanction of the Chairman & Managing Director shall be obtained by the employee if any such transaction is:

- i. with a person having official dealings with the employee; or
- ii. otherwise than through a regular or reputed dealer.

### **Case X**

**Mr. XYZ purchased Jewellery/ Gold Biscuits of Rs. 2 lacs during festival season.**

#### **Clause 20(3)**

Every employee shall report to the Chairman–cum-Managing Director within one month every transaction concerning movable property (car, bikes, Jewellery, precious metals, insurance policies, shares, securities, debentures, mutual funds, loans, advances, refrigerators, TV etc.) owned or held by him either in his own name or in the name of a member of his family, If the value of such property exceeds **two months Basic Pay**.

#### **Clause 17 (1)**

Intimation is to be submitted by 31st January of the subsequent calendar year to the Prescribed Authority in the prescribed Proforma, if the total transactions in shares, securities, debentures or mutual funds scheme, etc. exceed six months' basic pay of the employee during the calendar year.

### **Case XI**

**Mr. XYZ regularly indulges in speculation in shares and frequent purchase of mutual funds.**

#### **Clause 17. Investment, Lending and Borrowing**

##### **Speculation of stock/shares of companies**

1) Employee shall not speculate in any stock, share or other investment

**Explanation:** Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to the speculation within the meaning of this sub rule.

### **Case XII**

**Mr. XYZ Vigilance Clearance was denied at the time of promotion by Vigilance Department of his organisation.**

#### **Clause 20 (1).**

Annual Property Return (APR) has to be submitted by the employee giving complete details of immovable properties owned by his and spouse name or name of the other family members (including the position of shares/debentures) in prescribed format before 31 January every year.

#### **CVC OM no. 021-AIS-6(7) dated 16.03.2022**

As timely filling of Annual Property Return (APR) is a mandatory pre- condition for vigilance clearance. Vigilance clearance would not be given if an employee fails to file Annual Property Return in prescribed time limit.

## **VIGILANCE DEPARTMENT, MOIL LIMITED**

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