

No. 28020/1/96-Estt.(C)

Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances & Pensions
(Karmik, Lok Shikayat Tatha Pension Mantralaya)
Department of Personnel and Training
(Karmik Aur Parshikshan Vibhag)

New Delhi, dated the 09 February, 1998

NOTIFICATION

GSR _____ In exercise of the powers conferred by the proviso to Article 309 read with clause (5) of Article 148 of the constitution, the President after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Fundamental Rules namely:-

1. (1) These rules may be called the Fundamental (Amendment) Rules, 1998.

(2) They shall come in to force on the date of their publication in the Official Gazette.

2. In the Fundamental rules (hereinafter referred to as the said rules), in Rule 9 for sub-rule (13) the following sub-rule shall be substituted, namely:-

"(13) Lien means the title of a Government servant to hold on regular basis either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation."

Provided that the title to hold a regular post shall be subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in that grade.

3. Rule 12 of the said rules shall be omitted.

4. For rule 12A of the said rules, the following rule shall be substituted, namely:-

"12A Unless in any case it is otherwise provided in these rules, a Government servant on acquiring a lien on a post will cease to hold the lien previously acquired on any other post."

5. For rule 13 of the said rule, the following rule shall be substituted, namely:-

"13 A Government servant who has acquired lien on a post retains the lien on that post -

(a) while performing the duties of that post;

(b) while on foreign service, or holding a temporary post, or officiating in another post;

(c) during joining time on transfer to another post, unless he is transferred alongwith his title to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the earlier post; and

(d) while on leave; and

(d) while under suspension;

Provided that no lien of a Government servant shall be retained;

(i) Where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/cadre/post in the Government from the date of absorption; and

(ii) On foreign service/deputation beyond the maximum limit admissible under the orders of the Government issued from time to time."

6. Rule 14 of the said rules shall be omitted.

7. In rule 14A of the said rules:-

(i) for clause (a) the following clause shall be substituted, namely:-

"(a) Except as provided in rule 13 and clause (d) of this rule, a Government servant's lien on a post may in no circumstances be terminated, if the result will be to leave him without a lien upon a regular post."

(ii) Clauses (b) and (c) shall be omitted.

(iii) for clause (d) the following clause shall be substituted namely:-

"(d) A Government servant's lien on a post shall stand terminated on his acquiring a lien on another post (whether under the Central Government or State Government) outside the cadre on which he is borne."

8. For rule 14-B of the said rules, the following rule shall be substituted, namely:-

"14-B subject to the provisions of Rule 15, the President may transfer to another post in the same cadre, the lien of a Government servant who is not performing the duties of the post to which the lien relates."

9. In rule 15 of the said rules,

(i) For the existing clause (a), the following clause shall be substituted namely:-

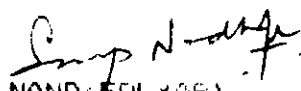
"provided that except-

(1) On account of inefficiency or misbehaviour,
or

(2) On his written request,

a Government servant shall not be transferred to, or except in a case covered by rule 49, appointed to officiate in a post carrying less pay than the pay of the post on which he holds a lien."

(ii) clause (b) shall be omitted.


(S. NANDKEOLYAR)
DIRECTOR (E)
TEL. 301 1591

To

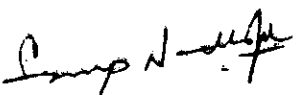
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(S. NANDKEOLYAR)
DIRECTOR (E)