

O.M. No. 70/10/60--Estt(A)

Government of India/Bharat Sarkar

Ministry of Home Affairs

Department of Personnel and Admn. Reforms

New Delhi-110001 dt. 9th may, 1960 ✓

OFFICE MEMORANDUM

Subject: Principles to be observed in considering the question of forwarding applications of Central Govt. servants for employment elsewhere.

MHA O.M. No. 170/51-
Ests. dated 21.10.52
MHA O.M. No 20/84-
Ests (A)I dt. 28.2.55
MHA O.M. No 28/3/58-
Est.A dt. 15.6.59

The existing instructions relating to the forwarding of applications from Govt. servants for outside posts are set out in this Ministry's memor. mentioned in the margin. Briefly stated, those orders provide that except where public interest

otherwise demand the administrative authorities should ordinarily forward applications which are submitted either in response to advertisements issued by the UPSC or applications which are submitted by temporary Govt. servants for permanent posts in response to request officially received from other Departments. The order also indicate that in deciding whether to forward an application or the withhold if on grounds of public interest, the competent authority has to balance the interest of the individual. No distinction is made between the technical and scientific personnel on the one hand and the other categories of Govt. servants on the other.

2. The question whether the existing instructions on the subject require any modification has been considered by the Govt. It is felt that the present arrangements provide for adequate discretion to the administrative authorities to hold the balance even between the interest of the parent office and the desire of the individual offices to better his prospects. What is needed is that the discretion should be applied with judgement and not mechanically.

3. The heads of Departments should interpret the term 'public interest' strictly and subject to that consideration the forwarding of applications should be the rule rather than the exception. Ordinarily, every employee should be permitted to apply for an outside post even though he may be holding a permanent post but this should not be done more than once in a year. In case the employing department or institution is entirely temporary or where, as in the case of the Atomic Energy Commission, the department or

institution employs a large number of scientific personnel in a temporary capacity, the restriction should be made applicable to the holders of the temporary posts also.

No distinction need be made between applications made for posts in a Department under the Central Govt., applications for posts under the State Govts., applications for posts for public sector undertakings owned wholly or partly by the Central Govt. or a State Govt. & applications for posts in quasi-Govt. organisations. They should all be treated alike so far as the forwarding of applications is concerned. If, however, a Govt. servant desires to apply for a post in a private concern, particularly in an organisation with which he has had dealings in his official capacity, he should first offer to resign or retire from Govt. service.

4. Govt. have also considered whether the terms of the bond which Govt. servants receiving scientific or technical training at Govt. expense have to execute undertaking to repay the money in the event of their failure to serve Govt. for a specified number of years after the completion of their training should be enforced in those cases in which the Govt. servants are permitted by competent authorities to apply for outside posts in accordance with the principles outlined above. It has been decided that the terms of the bond should be enforced against those Govt. servants only who leave Govt. service in order to secure private employment.

5. The existing instructions may be deemed to have been modified to the extent indicated above in their application to 'scientific & technical personnel' that expression being interpreted to mean persons holding posts of belonging to services which have been declared to be scientific or technical posts or scientific or technical services by the ad-hoc Committee of Secretaries set up for the purpose.

S/-

Joint Secy. to the Govt. of India

To

All Ministries/Departments of the Govt. of India