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No.8/15/71-Ests(C)
GOVERNMENT OF INDIA
CABINET SECRETARIAT
Department of Personnel
MANTRIMANDAL SACHIVLAYA
Karmik Vibhag

New Delhi-1,
September 16, 1971
25 BHADRA 1893

OFFICE MEMORANDUM

Subject: Applications of Government servants for employment elsewhere - Principles to be observed in considering the question of forwarding - Number of chances allowed to scientific and technical personnel.

Attention of Ministry of Finance etc. is invited to Ministry of Home Affairs O.M. No.70/60/62-Ests(A), dated 25th February 1963 read with O.M. No.70/10/60-Ests(A), dated 9th May 1960 under which the scientific and technical personnel even if they are holding permanent posts can be permitted to apply for outside posts twice a year. The outside posts enumerated in the O.M. of 9th May 1960 are posts in a Department under the Central Government, posts under a State Government, posts in Public Sector Undertakings, owned wholly or partly by the Central Government or a State Government and posts in quasi-Government Organisations. Although it had been laid down in MHA O.M. No. 170/51-Ests., dated 21st October 1952 that applications from purely temporary employees should be readily forwarded unless there are compelling grounds of public interest for withholding them, it was clarified in the O.M. of 9th May 1960 that in case the employing Department or Institution is entirely temporary or where the Department or Institution employs a large number of scientific personnel in a temporary capacity, the restriction on the number of applications to be forwarded should be made applicable to the holders of temporary posts also.

2. The matter was reconsidered in 1968 and instructions were issued in MHA O.M. No.5/2/68-Ests(C), dated 6th May 1968 that in regard to permanent non-scientific and non-technical employees of the Government, four opportunities in a year may be given to them to apply for outside posts. These instructions, however, did not apply to scientific and technical personnel who were continued to be allowed only two such opportunities under the O.M. of 25th February 1963. This matter has now been re-examined and it has been decided that as in the case of non-scientific and non-technical employees of the Government, four opportunities in a year may also be given to the permanent and quasi-permanent scientific and technical personnel to apply for outside posts, as mentioned in paragraph 1 above except where withholding of any such application is considered by the competent authority to be justified in the public interest.

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There would, however, be no restriction on the forwarding of applications of purely temporary employees (unless in any particular case there are compelling grounds of public interest for with-holding the application), except in the case of a Department/Institution which is entirely temporary or where the Department/Institution employs a large number of scientific personnel in a temporary capacity, where the restriction as in the case of permanent and quasi-permanent employees should be made applicable to the holders of the temporary posts also.

3. In respect of Government servants who have been given technical training at Government expense and who have executed a Bond to serve the Government for a specified period, it would be reasonable to expect that they should continue to serve in the post or service in which such training was imparted till the expiry of the period of such Bond. Applications for outside posts from this category of Government servants may be forwarded by the competent authority only if such Government servants could be relieved before the expiry of the period specified in the Bond, without any detriment to public interest. If however, after forwarding the application, such a Government servant secures an appointment under the State Government/Public Sector Undertaking/Quasi-Government Organisation, the Bond executed by that Government servant need not be enforced, but a fresh Bond should be taken from him for serving the new employer as provided in MHA O.M. No.5/10/66-Ests(C) dated 15th April, 1966.

4. It is requested that the above decision may kindly be brought to the notice of all concerned.

S. Krishnan

(S. Krishnan)

Deputy Secretary to the Government of

To

All Ministries/Departments etc. of the Government of India.

All Union Territories Governments/Administrations.

All Attached/Subordinate Offices of the Ministry of Home Affairs/Department of Personnel.

All Administrative/Service Sections of the Department of Personnel.