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No.8/4/70-Ests(c)
Government of India/Bharat Sarkar
Cabinet Secretariat/Mantrimandal Sachivalaya
Department of Personnel & Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag).

New Delhi-110001 Dt.6 March, 74.

OFFICE MEMORANDUM

Subject:- Forwarding of applications of Central Government servants for posts under the State Government procedure for.

The undersigned is directed to refer to the Ministry of Home Affairs Office Memoranda noted in the margin

1. O.M.No.70/62/62-Estt (A), which regulate the procedure dated 22nd January, 1966 under which applications
2. O.M.No.60/37/63-Ests(A) submitted, by Central Govt. employees for posts in other
3. O.M.No.70/62/62-Ests(A) Central Government Departments /Officers/Public Sector
4. O.M.No.8/5/68-Ests(C) Undertakings/autonomous Semi-Government organisations
5. O.M.No.8/10/72-Ests(C) may be forwarded and the adjustment of leave salary and pension contribution between the lending and borrowing authorities may be done.

2. The question as to the procedure that should be followed in respect of those Central Government employees who apply for posts under the State Governments on their own volition in response to advertisements or circulars including those by the State Public Service Commissions has been under consideration. It has been decided that the following procedure may be adopted in such cases by the administrative authorities:

(1) The applications may be forwarded subject to the instructions issued by the Central Government from time to time and within the limits laid down for forwarding applications for outside posts.

(2) Temporary Central Government servants should, as a matter of rule, be asked to resign at the time of release from the parent department/office. An undertaking from them to the effect that in the event of selection for the posts applied for they will resign from their posts may be taken from them at the time of forwarding the applications.

(3) In respect of the permanent and quasi-permanent employees, the terms on which the Central Government servant goes over to a post under a State Government may be settled mutually between the Central Government and the State Government concerned. The permanent Government servants will be governed by the instructions contained in the Finance Ministry's circular letter No.F.1(56)-B/63, dated 16th November, 1967 (copy enclosed).

The permanent/quasi-permanent Government servant should either revert to the parent department/office within the period of two years or resign from the parent Department/office at the end of that period.

Quasi-permanent Central Government servants will be allowed to revert within 2 years or at the end of two years, to the posts held by them in the parent departments under the Central Government if the posts held by them continues to exist on the date of their reversion and if they are eventually confirmed in the parent department/office, the liability to pay leave salary and pension contribution for the period of service rendered by them in the State Government shall be borne either by the State Government, if the appointment is treated by that Government as on transfer or by the quasi-permanent Government servants themselves. An undertaking to abide by these conditions may be taken from permanent/quasi-permanent govt. servants at the time of forwarding their applications.

(4) In exceptional cases where it would take sometime for the State Government to confirm the Government servant due to administrative reasons, the permanent/quasi-permanent employee may be permitted to retain his lien/quasi-permanent status for one more year. While granting such permission, a fresh undertaking similar to the one in sub-para(3) above may be taken from the Government servant concerned.

(5) During the period of two or three years are referred to above, the pay of the Government servant in the ex-cadre post will be fixed in the pay scale of that post and will be subject to the limits prescribed in the Ministry of Finance Office Memorandum No. F.10(24)-E.III/60 dated 9th March, 1964, in cases where the minimum of the scale of pay of the new post is substantively in excess of his grade pay in the parent department/office and such other orders as have been/may be issued by the Ministry of Finance from time to time. These orders will also be subject to the orders issued by the Ministry of Home Affairs in respect of members of CSS/CSSS/CSCS. However, in cases where the Central Government servants are selected for appointment to posts under the State Government on the basis of their applications in an open competition through the State Public Service Commission, they will be allowed to draw pay in the scale of the post without applying the restrictions laid down in the Ministry of Finance Office Memorandum dated 9.3.1964.

No deputation allowance as such will be admissible in such cases.

(6) Central Government will not accept any liability to pay any retirement benefits or for carry forward of leave for the period of service rendered under them by the temporary/quasi-permanent Central Government servants going over to the State Governments under these orders.

3. These instructions are applicable to the employers in all the Departments/Offices of the Government of India except the Ministry of Railways and Civilian Defence Services. The members of the Central Secretariat/Service/Central Secretariat Stenographers Service/Central Secretariat Clerical Service will also be governed by these instructions in supersession of the practice hitherto followed in respect of them.

4. While forwarding the applications to the State Government concerned, it should be clear that the Central Government servant if selected for appointment will be permitted to join the State Government on the terms and conditions contained in this Office Memorandum.

In so far as persons serving in the Indian Audit and Accounts Department are concerned, these instructions are issued in consultation with the Comptroller and Auditor General of India.

Sd/-
(J.S. Ahluwalia)

Authorised for issue Under Secretary to the Govt. of India

Sd/-

(H.S. Dillon)
Section Officer.