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No. 2/7/69-Ests(C)
Government of India
Department of Personnel
(Cabinet Secretariat)

New Delhi,
November 1, 1970

Office Memorandum

Subject: Forwarding of applications of Central Government servants for posts in private firms - Question whether they should be asked to resign or give notice of retirement from service before applying for a post in private firms

The undersigned is directed to invite attention to para 2 (v) of Ministry of Home Affairs O.I. No.170/51-Ests., dated 21st October, 1952 (copy enclosed), according to which a Government servant seeking permission to apply for employment in a private or industrial firm should first offer to resign or retire from Government service. A question has been raised as to whether such a Government servant could be permitted to apply for a post in the private sector if he gives an undertaking that in the event of his being selected for the post applied for he would resign from Government service or retire therefrom. It is hereby clarified that a Government servant should make up his mind before he applies for a post in the private sector whether he would resign from Government service or retire therefrom (if he is entitled to retire from such service by giving three months' notice under F.R. 56(k) or F.R. 55(m) or Rule 2(2) of the Liberalised Pension Rules or under Article 459 or Article 465-A of the Civil Service Regulations, as the case may be) and accordingly he should submit his resignation or notice of retirement as the case may be, before applying for private employment. In the case of those who resign from Government service, it might take some time for the competent authority to issue a formal order accepting the resignation. Similarly, in the case of those who give notice of retirement from service, retirement would be effective only on the expiry of the notice period. Therefore, while tendering resignation from Government service or giving the requisite notice of retirement, the Government servant may ask for permission to apply for employment in the private sector pending the acceptance of resignation or the expiry of the notice of retirement, as the case may be. While

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considering the request for such permission, the competent authority should keep the following points in view:

- (1) In the case of an employee who tenders his resignation, the competent authority should not grant permission to him to apply for private employment, or accept the resignation unless it is satisfied that his retention in Government service is not necessary in the public interest. In this connection, particular attention is also invited to the Ministry of Home Affairs O.P. No. 39/17/69-List.(A), dated 18th June, 1970 (copy enclosed).
- (2) If it is decided to accept the resignation pending the issue of a formal order accepting the resignation after going through the necessary formalities, the officer may be given permission to apply for private employment. There is no question of Government forwarding the application to the private firm. Where it is decided not to accept the resignation, permission to apply for private employment would not be granted to the individual.
- (3) In the case of such of those who are eligible to give notice of retirement and who want to retire from service, as already stated, they should send the requisite notice of retirement. If they seek permission to apply for private employment during the notice period, the grant of such permission may be accorded by the competent authority. If permission is given, it should be made clear to the individual that the permission for applying for private employment does not imply grant of permission for taking up commercial employment after retirement. The grant of this latter permission would be governed by the provisions of Article 531-B of C.S.Re., where applicable.

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



(T.R. Prasad)

Under Secretary to the Government of India

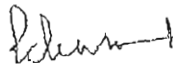
To

All Ministries/Departments of the Government of India etc., (with the usual number of spare copies.); Union Public Service Commission.

No. 8/7/69-Ests(C), dated 1-11-1970.

Copy to:

1. All Union Territory Governments/Administrations.
2. All Service/Administrative Sections of the Department of Personnel.
3. Comptroller and Auditor General of India with reference to their u.o. note 1240-Audit/152-69, dated 26th October, 1970.
4. All Officers, Private Secretaries and Personal Assistants in the Department of Personnel.
5. Copy to Ests.(A) Section for file No. 39/17/69-Ests(A).



(T.R. Prasad)

Under Secretary to the Government of India