

O.M. No. 70/10/60-Estt(A)
Government of India/Bharat Sarkar
Ministry of Home Affairs
Department of Personnel and Adm. 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- The existing instructions relating
Ests. dated 21.10.52 to the forwarding of applications
MHA O.M. No. 20/84- from Govt. servants for outside
Ests(A) I dt. 28.2.55 posts are set out in this Ministry's
MHA O.M. No. 28/3/58- Memor. mentioned in the margin.
Est. A dt. 15.6.59 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 to withhold if on grounds of public interest, the
competent authority has to balance the interest of the state
against the necessity of avoiding hardships to the individual.
No distinction is made between the technical and
scientific personnel on the one hand and the other category
of Govt. servants on the other.

2. The question whether the existing instructions on
the subject require any modification has been considered by
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

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

No distinction need be made between applications for posts in a Department under the Central Govt. or posts for public sector undertakings 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.

Sd/-
Joint Secy. to the Govt. of India

To
All Ministries/Departments of the Govt. of India