

No.F.4(3)-E.IV/1/53
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 1st October, 1963.

OFFICE MEMORANDUM

Subject:- Termination of lien of permanent Government servants on foreign service in the event of their permanent absorption under the foreign employer.

The undersigned is directed to invite a reference to rule 14-A(a) of the Fundamental Rules, which provides that a Government servant's lien on a post may in no circumstances be terminated even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

A question has been raised as to what procedure should be followed for terminating the lien of a permanent Government servant who is transferred on foreign service and is subsequently absorbed in the service of the foreign employer.

2. It is hereby clarified that F.R. 14-A applies only so long as a Government servant remains in Government service. Obtaining of consent of the Government servant to the termination of lien is necessary in certain circumstances where the Government servant is to be confirmed in another post under Government. Such consent is not necessary in cases where the Government servant ceases to be in Government employ. The proper course in such cases, where it is proposed to absorb him in non-government service in public interest, would be to ask the Government servant concerned to resign his appointment under the Government with effect from the date of such permanent absorption and the lien will stand automatically terminated with the cessation of Government service.

Such resignation from Government service will be without prejudice to the entitlement of the Government servants to the retirement benefits admissible under this Ministry's Office Memorandum No.F.2(33)-EVA/60 dated the 10th November, 1960 (copy enclosed), provided the transfer to the public sector undertakings or Government or Semi Government Corporations is in the public interest.

3. In all cases where a Government servant is to be absorbed permanently by the foreign employer under his organisation, it would be incumbent on him to consult the parent employer before issuing orders absorbing the Government servant permanently in his service. The orders of permanent absorption should be issued only after the resignation of the Government servant has been accepted by the Government and with effect from the date of such acceptance.

4. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders have been issued in consultation with the Comptroller and Auditor General.

Sd/- (R. S. Ganapati)
Deputy Secretary to the Government of India.