

MOST IMMEDIATE

No.11019/62/2005-AIS-III

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel & Training

New Delhi, the 4th July, 2006

To

Chief Secretaries of all the States/Union Territories (By name)

Sub: Obtaining prior approval of the Government before negotiating for or taking up any employment by members of All India Service officers.

Sir,

I am directed to invite attention to this Department's letter No. 11017/47/2005-AIS-III, dated the 27th December, 2005, under which instructions reiterating the provisions of Rule 13(1)(b) of the All India Service (Conduct) Rules, 1968 were issued stating that all the members of the All India Services should obtain prior permission of the Government before negotiating for or undertaking any other employment.

2. The service conditions of All India Service Officers are governed according to the rules framed by the Central Government in consultation with the State Governments under the All India Services Act, 1951.

3. Some State Governments like Rajasthan, Uttar Pradesh and Maharashtra have brought in employment schemes under which officers of the State Government are allowed to serve private organisations on extra ordinary leave. They have, however, implemented these schemes for All India Services officers also.

4. The issue has been examined in the light of the relevant rules, in consultation with the Department of Legal Affairs, Ministry of Law & Justice.

5. The main rules dealing with the cadre management of All India Services are the Indian Administrative Service (Cadre) Rules, 1954, the Indian Police Service (Cadre) Rules, 1954 and the Indian Forest Service (Cadre) Rules, 1966. According to sub-rule (1) of Rule 6, a cadre officer may be deputed for the service under the Central Government or another State Government or under a company etc. which is wholly or substantially owned or controlled by the Central Government or by another State Government only with the concurrence of the State Government and the Central Government. Sub rule (2) (ii) of Rule 6 provides that a cadre officer may be deputed for service under an international organisation, an autonomous body not controlled by the Government, or a private body, by the Central Government in consultation with the State Government on whose cadre he is borne. The State Government can depute for service only under a body wholly or substantially owned or controlled by the State Government, a Municipal Corporation or a Local Body of the State cadre where the officer is borne under rule 6(2)(i) of the respective Cadre Rules.

6. Rule 13(1) of the All India Services (Conduct) Rules, 1968 provides that no member of the All India Service can negotiate for or undertake any employment without the approval of the Government. Rule 21(1) of the All India Services (Leave) Rules, 1955 provides that a member of the Service on leave shall not take any service or accept any employment without obtaining the permission of the Government. These rules have limited scope with regard to 'conduct' and 'leave' provisions with reference to All India Service officers and deputation of All India Services is governed by Rule 6 of the respective Cadre Rules. Deputation to an international organisation, an autonomous body not controlled by the Government, or a private body is only possible under rule 6(2)(ii) of the respective All India Service Cadre Rules for which the Cadre Authority is the Central Government.

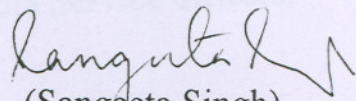
7. Rule 13(1) of the All India Services (Conduct) Rules, 1968 and Rule 21(1) of the All India Services (Leave) Rules, 1955 read with the provisions of the Cadre Rules thus make it explicitly clear that approval of the Government of India is essential for allowing a member of the All India Service for undertaking any employment outside the State Government on leave of any kind.

8. It has, therefore, been decided that no member of the All India Service should be allowed by the State Governments to undertake any private employment after taking leave from the State Government and all such cases

should be referred to the Government of India for approval and necessary permission for service under an international organisation, an autonomous body not controlled by the Government or a private body under the Rule 6(2)(ii) of the respective All India Service Cadre Rules.

9. All the cases in which State Governments have allowed the members of All India Services to take up employment under the provisions of these rules, should be referred to the respective All India Service Cadre Controlling Authorities for approval under the provisions of Rule 6(2)(ii) of the respective All India Service Cadre Rules within one month of the date of issue of this letter.

Yours faithfully


(Sangeeta Singh)
Director (Services)
T. No. 23093591

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1. All Ministries/Departments of the Government of India
2. All officers/Sections in the M/o Personnel, Public Grievances and Pensions
3. NIC, Department of Personnel & Training for placing in the Ministry's website.