

CHAPTER-V
POSTING AND TRANSFER

5. Limits of retention of official in the same section of this office.

5.1 As far as possible no member of staff (including Audit officer) should normally be kept in the same wing whether in the central office or in the field audit parties for a period exceeding five years. Rotation to other group within a shorter period or retention in a particular group beyond five years should be allowed only in exceptional cases and with the specific orders of the A.G. (Audit).

Also a person having working in a seat/section for the prescribed period should not be posted against to the same seat or section after a short interval.

No Auditor/Sr. Auditor should be allowed to remain in the same seat for more than three continuous year without specific approval of the Sr. Deputy Accountant General/ Deputy Accountant General concerned and in the same section for more than five continuous years without the specific approval of the head of the office,

(Authority : - i) Para 6.5.1 of CAG's MSO (Admn) Vol I

ii) C.A.G's letter No. 215 – P.C. (Cord) /3-87 dated 17.11.87).

NOTE: - 1 With a view to keeping a close watch on the position the information should be furnished by the section half yearly to Admn. section on 1st of September and 1st of March in respect of the period 1st August to 31st January each year. The information should inter alia show the exact period for which an official has been working in the seat and the date when he is due to retire. The information so collected should be submitted to the Accountant General for his orders through the Group Officer (Administration).

5.1.1 The transfer and posting of the officials of different grades will be made as per the policy decided and order will be issued after the approval by the officer who is administratively controlling the cadre.

(CAG's letter No. 263/N-2-29-91 dated 28.6.1991)

5.2 Professional History and Transfer History Card with view to facilitating the posting s of persons with experiences of particular sections and also to give an all-round training to the auditors, the administration should know the professional history of every Auditor/Sr.

Auditor/Section Officer/Assistant Audit Officer for this purpose Index Sheet should be maintained in the Form shown in to this chapter.

The sheets should show the chronological sequence of the sections in which the official has worked. To facilitate the quick preparation of the Index Sheet, each Auditor/Sr. Auditor/Section Officer/Assistant Audit Officer should be supplied with a blank card in which entries should be made by each and returned on completion to Administration Section. Everyone should be held responsible for supplying correct information.

(CAG letter No. 39-SP/Admn. 19/49-50 dated 12.6.50.)

5.3 Lien:- The concept of lien as the title of a Government servant to hold substantively a permanent post will undergo a change. Lien will now represent only the right/title of a Government servant to hold a regular post, whether permanent or temporary, either immediately or on the termination of the periods of absence. The benefits of having a lien in a grade will thus be enjoyed by all officers who are confirmed in the grade of entry or who have been promoted to a higher post declared as having completed the probation where it is prescribed, or those who have been promoted on regular basis to a higher post where no probation is prescribed under the Rules, as the case may be.

The above right/title will, however, be subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade, if at any time the number of persons so entitled is more than the posts available in that grade. For example, if a person who is confirmed or whose probation in a higher post has been declared as having been completed or one who is holding a higher post for which there is no probation on a regular basis reverts from deputation or foreign service and if there is no vacancy in that grade to accommodate him, the junior most person will be reverted. If, however, this officer himself is the junior most, he will be reverted to the now lower grade from which he was earlier promoted.

5.3.1 Termination of Lien:- Rule 14-A(a) of fundamental rules provides that a Government Servant lien on a post may in no circumstances be terminated, if the result will be to leave him without a lien upon a regular post.

5.4 FORWARDING OF APPLICATIONS FOR OTHER EMPLOYMENT

The general principles to be observed in dealing with forwarding of application of government servants applying for posts and appointment elsewhere are stated below -

(i) *Applications from permanent Government servants.*- When a person has been offered and has voluntarily accepted a permanent post or appointment to a regular service, which offers him the chance of an honorable career with respect of earning promotion on merits, he is under a moral obligation to devote his energies wholeheartedly to the performance of his duties in that post or service and not to divide his attention and efforts in search for employment elsewhere. He cannot justly complain of hardship or harsh treatment if his application for any other post or employment is withheld.

(ii) *Applications from purely temporary employees.*- A temporary employee who has no reasonable prospects of being made permanent, can hardly be blamed if he is on the look-out for better and longer lasting employment. Withholding of his application would result in hardship. Applications from such employees should therefore be readily forwarded unless there are compelling grounds of public interest for withholding them.

(iii) *Applications from temporary employees who may have good prospects of being made permanent in due course.*- An employee of this type falls somewhere between the type mentioned under (i) and (ii) above and application from him should, therefore, be dealt with on its merits, with reference to the circumstances in each case.

(iv) *Applications of employees who have been given some technical training at Government expenses after commencement of service.* - The State justified in demanding that, in return for the training given to him at State, expense, an employee of this category should continue to give his service to State, in the post or service in which such training was given. He cannot, justifiably complain of hardship if he is not allowed to capitalize the special qualifications so gained by seeking other better employment. Withholding of

application in such a case therefore justifiable.

(v) Application of Government servants for employment in private business and industrial firm, etc.- The rules quoted above do not specifically deal with applications of this category. On general grounds, however, it is highly improper for a Government servant to apply, without permission, for employment in a private business or industrial firm, etc. Where a Government servant seeks permission, to apply for such employment, he should first offer to resign or retire from Government service. He cannot complain of hardship if he is not granted permission to apply for such employment if his application is withheld. While a person remains in Government service, the State can legitimately refuse to surrender its claim on his services in favour of a private employer.

(vi) Notwithstanding anything contained in the preceding paragraph in a case in which a particular employee cannot be spared without serious detriment to important work in hand, public interest would justify withholding of his application even if otherwise the application would have been forwarded.

It may be added for information that where for good and sufficient reasons and application is withheld no infringement of any Constitutional right is involved.

[G.I., M.H.A., O.M. No. 170/51-Ests., dated the 21st October, 1952.]

5.4.1 Applications not in response to advertisements or circulars not to be forwarded.

It has been decided that applications from Government servants for employment elsewhere, submitted otherwise than in response to advertisement or circulars inviting applications, should not be forwarded.

[G.I., M.H.A., a.M. No. 5/3/65-Estt. (C), dated the 21st December, 1965.]

5.4.2 Procedure to be followed in the case of those who apply for posts in the same/other Central Government Departments

1. The following procedure should be followed in respect of Government servants working in a particular department/office who apply in response to advertisements or circulars inviting applications for posts in other Central Government departments/offices:-.

- (i) The applications may be forwarded in accordance with the "General principles", contained in M.R.A, O.M., dated the 21st October, 1952, irrespective of whether the post applied for in the other department/office is permanent or temporary.
- (ii) In the case of permanent Government servants, their lien may be retained in the parent department/office for a period of two years. They should either revert to the parent department/office within that period or resign from the parent department/office at the end of that period. An undertaking to abide by these conditions may be taken from them at the time of forwarding the applications to other departments/offices.
- (iii) As for temporary employees, they should, as a matter of rule, be asked to resign from the parent department/office at the time of release from the parent department/office. An undertaking to the effect that they will resign from the parent department/office in the event of their selection and appointment to the post applied for may be taken from them at the time of forwarding their applications.
- (vi) During the period of two years referred to in sub-paras. (ii) and (iii) above, the pay of the officer in ex-cadre post will be fixed in the pay-scale of that post and will be subject to the limits prescribed in Ministry of Finance, Office Memorandum No. F. 10 (21)-E.III/661dated the 9th March, 1964 [now G.I., Dept. of Per. Trg., O.M.No. 18/7198-Estt. (Pay-I) dated 15-12-1998.], in cases where the minimum of the scale of pay of the new post is substantially in excess of his grade pay in the parent department and such other orders as may be issued

by them from time to time (and subject also, in the case of members of CSS/CSSS/CSCS, to such orders as have been issued by the MHA). No deputation allowance will be admissible in any case.

3. A question has been raised as to whether in the case of a Government who applies for post occurring in the same Department/Office which is to be filled on the basis of direct recruitment, an undertaking to the effect that in the event of his selection to the post he will resign from the post held by him, is to be obtained or not. It is clarified that the above instructions apply in all such cases, In the case of a temporary Government servant, he

should invariably be asked to resign from the post held by him at the time of release from that post in the event of his selection and appointment to the post applied for. An undertaking to this effect may be taken from him at the time of forwarding his application.

Authority: (G.I., M.H.A., O.M. No. 60-/37/63-Estt. (A), dated the 14th July, 1967 and 28015/2180-Estt. (C), dated the 22nd July, 1980)

5.4.3 Forwarding of applications to Ministries/Departments/Other Government Offices /UPSC:-

The following instructions in supersession of the existing instructions contained in O.M. No. 11012/10/75-Estt. (A), date 18-10-1975 and O..M. No. 42015/4/78-Estt. (C), dated 1-1-1979, are issued for guidance of all Administrative Authorities.

2. Application of a Government servant for appointment, whether by direct recruitment, transfer on deputation or transfer, to any other post should not be considered/forwarded, if-

(i) he is under suspension; or

(ii) disciplinary proceedings are pending against him and a charge-sheet has been issued; or

(iii) sanction for prosecution, where necessary has been accorded by the competent authority; or

(iv) where a prosecution sanction is not necessary, a charge-sheet has been filed in a Court of Law against him for criminal prosecution.

3. When the conduct of a Government servant is under investigation (by the CBI or by the Controlling Department) but the investigation has not reached the stage of issue of charge-sheet or prosecution sanction or filing of charge-sheet for criminal prosecution in a Court, the application of such a Government servant may be forwarded together with brief comments on the nature of allegations and it should also be made clear that in the event of actual selection of the Government servant, he would not be released for taking up the appointment, if by that time charge-sheet for imposition of penalty under CCS (CCA) Rules, 1965, or sanction for prosecution is issued or a charge-sheet is filed in a Court to prosecute the Government servant, or he is placed under suspension.

4. Where Government servants apply directly to UPSC as in the case of direct recruit, they must immediately inform the Head of their Office/Department giving details of the examination/post for which they have applied, requesting him to communicate his permission to the Commission directly. If, however, the Head of the Office/Department considers it necessary to withhold the requisite permission, he should inform the Commission accordingly within forty-five days of the date of closing for receipt of applications. In case any situation mentioned in Para. 2 above is obtaining, the requisite permission should not be granted and UPSC should be immediately informed accordingly. In case a situation mentioned in Para. 3 is obtaining, action may be taken to inform UPSC of this fact as also the nature of allegations against the Government servant. It should also be made clear that in the event of actual selection of Government servant, he would not be relieved for taking up the appointment, if the charge-sheet/prosecution sanction is issued or a charge-sheet is filed in a Court for criminal prosecution, or if the Government servant is placed under suspension.

5. It may be noted that in case of direct recruitment by selection, i.e., "selection by interview", it is the responsibility of the requisitioning Ministry/Department to bring to the notice of the Commission any point regarding unsuitability of the candidate

(Government servant) from the vigilance angle and that the appropriate stage for doing so would be the consultation at the time of preliminary scrutiny, i.e., when the case is referred by the Commission to the Ministry/Departments for the comments of the Ministry's representatives on the provisional selection of the candidate for interview by the Commission.

(Authority: G.I., Dept. of Per. & Trg., O.M. No. AB 14017/IOI/92-Estt. (RR), dated 14.7.1993)

5.5 Serving Employees may be allowed to register with Employment Exchanges:-

(i) *Temporary employees* may be allowed to register with the Employment Exchanges subject to the condition that both the Employment Exchange and the employee should inform the Head of the Office in which the employee is working the fact of registration with the Employment Exchange simultaneously when the registration is undertaken. If the Head of the Office has any objection, he should communicate it forthwith to the employee and the Employment Exchange concerned. In cases where the Head of the Office has raised any objection, the employee should not be sponsored further for placement by the Employment Exchange unless the objection is overruled by an authority superior to the Head of the Office. They should be asked to resign from the parent office at the time of release.

2. *Permanent employees* are also allowed to register themselves with the Employment Exchanges for a higher post under the Government, Public Sector Undertakings/ Autonomous Bodies on production of a 'No Objection Certificate' from their employers. The grant of 'no objection' to such permanent employees will be subject to the following conditions:-

(a) The employee should be registered only for a post higher than the one he is holding under the Government. In cases of doubt, as to whether the post for which the employee intends to register his name is higher than the one he is holding under the Government, the decision of the Head of Office/Department shall be final.

(b) On being selected for appointment by the Government Department/Public

Sector Undertaking /Autonomous Body for the higher post, he may be treated as on deputation/Foreign Service for a period of two years only, which may, in exceptional circumstances, be extended by one year at the most, with prior concurrence of the appointing authority of the parent cadre. On the expiry of the period, he should either revert to the parent Department or resign his post under the Government.

(c) Once an employee has reverted to the parent Department after spending two years outside, he should not be allowed a 'No Objection Certificate' to register his name once again for a period of at least two years.

The Employment Exchanges should sponsor only those permanent employees for higher posts under the Government/Public Sector Organizations who are eligible on the grounds of age, educational qualifications, etc.

(Authority: G.I., M.H.A., O.M. No. 14/68/60-Estt. (D) Dated the 8th January, 1962; 14/I/69-Estt. (D), dated the 29th July, 1970 and 14024/7/79-Estt. (D), dated the 19th December, 1979.)

ANNEXURE

(Vide para 5.2)

Index Sheet of Mr. :
Showing the full history of his service in :
the :
IAAD :
Date of Birth :
State of Domicile :
Educational Qualification :
Date of Joining the department as a :
temporary Auditor :
Date of permanent appointment in the :
Department :
Year of passing the SOGE :
Date of promotion to the S.O. Grad :

Sl. No.	Section in which Employed	Nature of Duties	Period of Service from to years Months	Remarks
