



Ministry of Commerce and Industry
Department for Promotion of Industry and Internal Trade
Office of the Controller General of Patents, Designs & Trade Marks (O/o CGPDTM)

BOUDDHIK AAGMAN

An Induction Journey at Office



Ministry of Commerce and Industry
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Permission regarding applying for employment in other Offices,
Resignation / Technical Resignation, NOC for Passport issuance,
Permission for visiting abroad on personal ground

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Forwarding of applications

General Guidelines /Principles

- Applications may be forwarded for posts within the **Central Government, State Governments, Autonomous / Statutory Bodies, CPSEs etc.**
- In a case in which a particular **employee cannot be spared** without serious detriment to important work in hand, **public interest would justify** by withholding of his application.
- **No distinction need to be made between applications** made for posts in a Department under the Central government, Autonomous Bodies or sub-ordinate offices, posts under the State Governments, posts in Public Sector Undertakings (Central / State), quasi-Government organizations.
- Applications for employment of temporary or permanent Central Government servants belonging to **SC / ST should be readily forwarded** except in very rare cases where there may be compelling grounds of **public interest** for withholding such application.

Forwarding of applications

General Guidelines /Principles

- Ordinarily, an employee is permitted to apply for an outside post up to **four times**.
- Where a GS seeks permission to apply in private business and industrial firm, etc. for employment, he should submit resignation, before applying for private employment.
- Applications of Government servants who have been given some **technical training at Government expenses after commencement of service** - Such Government servant 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 is therefore justifiable.

Forwarding of applications

Procedure to be followed

- Applications **not in response to advertisements** or circulars will not be forwarded to the employer.
- **Temporary GS** – require to **resign from the parent department at the time of release.**
- An **undertaking** to the effect that he / she will resign from the parent department in the event of his / her selection and appointment to the post applied for **may be taken** from his / her **at the time of forwarding the application.**

Forwarding of applications

Procedure to be followed

- **Permanent GS - Lien may be retained** in the parent department for a period of **two years** in case of the new **post being in the Central / State Government**.
- They should **either revert** to the parent department within that lien period **or resign** from the parent department at the end of lien period.
- An **undertaking** to abide by these conditions may be taken from them at the time of forwarding the applications to other departments / office.
- In exceptional cases, GS may be **permitted to retain lien in the parent department for one more year** if delay happens in confirming the GS in other department
- While granting such permission (extension of lien), parent department should take a fresh undertaking from GS.

Forwarding of applications

Procedure to be followed

- **Permanent Government servants** - selected for appointment in an **autonomous Body / CPSE** will have to **resign before they are permitted to join the new organization.**
- In their case **no lien shall be retained** and they will be governed by the orders issued by Department of Pensions & Pensioners' Welfare regulating mobility of personnel between Central Govt and Autonomous Bodies / CPSEs etc.
- Terms of the **service bond need to be enforced** in the case of **private employment.**

Posts Advertised by UPSC / SSC

Where Government servants apply directly to UPSC / SSC as in the case of direct recruit, they **must immediately inform the Head of Office / Department** giving details of the examination / post for which they have applied with a request to communicate the 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 **thirty days of the date of closing for receipt of applications.**

Forwarding of applications

Circumstances in which application should **not** be forwarded

Application of a GS not to be considered / forwarded, if (a)-

(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.

(v) where he is **undergoing a penalty** — no application should be forwarded during the currency of such penalty.

Forwarding of applications

Circumstances in which application should **not** be forwarded

When **conduct of a GS 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 any of the situations in (a) arises– previous slide.

Forwarding of applications

Forwarding of applications for posts advertised by Central / Public Sector Undertakings/ Central Autonomous Bodies

- Applications of GS in response to posts in Central Public Enterprises / Autonomous Bodies may be forwarded with a clear understanding that in the event of selection, GS will **sever connections with the Government before joining the Public Sector Undertakings/ Autonomous Bodies.**
- **No lien shall be retained in such cases.**
- **The relieving order should indicate the period within which the official should join the Public Sector Undertaking / Autonomous Body. Normally this period should not be more than 15 days.**

Resignation

- Resignation should be **clear and unconditional**.
- Resignation from the service generally be accepted straightaway.
 - Exception -*
 - a) When the officer concerned is engaged on important work.
 - b) Officer against who inquiry / investigation is pending.
- Acceptance of resignation is subject to **prior approval of the Minister-in-Charge in respect of Group A posts**.
- In all cases of acceptance of resignation, prior **vigilance clearance** from the competent authority is mandatory.
- Resignation should not be accepted until all the **departmental dues are fully adjusted**.

Resignation

- The accepting authority will decide the date from which the resignation should become effective.
- A resignation becomes effective **not merely when it accepted** by the authority concerned, but only when the **officer actually relieved** of his duties.
- Official quitting his post before receiving intimation of acceptance of his resignation is **liable to be proceeded against both legally and departmentally**.
- A Government servant quitting service on resignation will **not be entitled to any pension, gratuity of terminal benefits**. However, he may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent in respect of **earned leave** at his credit on the date of cessation of service, to the **extent of half of such leave** at his credit, subject to a **maximum of 150 days** [see Rule 39(6)(a)(ii) of the CCS (Leave) Rules].

Technical Resignation

- Resignation is treated as a technical formality where a GS has applied through proper channel (M/o Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965)
- The benefit of past service (admissible under relevant rules) may be given in such cases.
- Resignation in other cases including where GS was not allowed to forward the application through proper channel will not be treated as a technical resignation and benefit of past service will not be admissible.
- Post held on *ad hoc* basis – no question of technical resignation

Technical Resignation

- This benefit is also admissible to GS who have applied before joining the Government service and on that account the application was not routed through proper channel. The benefit of past service is allowed in such cases subject to the fulfillment of the following conditions:
- ***The Government Servants should intimate the details of such application immediately on their joining***
- The GS at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under the Government for which he applied before joining the Government service
- The authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post mentioned by the employee, his application would have been forwarded through proper channel.

Technical Resignation

Carry forward of Leave benefits

- Technical resignation shall not result in the lapse of leave to the credit of the Government servant. The balance leaves will be carried forward (Rule 9(2) of the CCS (Leave) Rules, 1972)

Carry forward of LTC

- Entitlement to LTC may be carried forward in case of Technical Resignation.
- The Government Servant treated as a **fresh recruit** for a period of 8 years from the date of his initial appointment under Government .
- *Illustration* - If a Government Servant joins another Department after serving in Government for 4 years, he will be treated as a fresh recruit for 4 years in the new Department.

Technical Resignation

- **Pay Protection, eligibility of past service for reckoning of the minimum period for grant of Annual Increment** (*see M/o Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965 read with proviso to FR 22-B*)
- **New Pension Scheme (NPS):** In case of 'Technical Resignation' of GS covered under NPS, the balance standing to their Personal Retirement Account (PRA) along-with their PRAN will be carried forward to the new office.
- **Retention of Lien:** A permanent Government servant appointed in another Central Government Department/Office/ State Government, has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in unless he exceptional cases.
- **Temporary Government** servants will be required to sever connections with the Government in case of their selection for outside posts. **No lien** will be retained in such cases.

NOC for Passport issuance

- Prior intimation letter for Passport: A Government servant while applying for passport shall submit an intimation letter to the Controlling / Administrative Authority.
- Guidelines for issuance of NOC – The following particulars to be furnished by the employee:
 - a) The country to be visited,
 - b) The object of the visit &
 - c) The time of the visit.

NOC for Passport issuance

Points to be considered and verified by the department -

- (a) Nature of work the Government servant is handling in the Department and other subsidiary factors like general behavior, association etc.
- (b) whether and disciplinary / vigilance case is pending against him.
- (c) whether there are grounds to be believed that the applicant could figure adversely on the security records of the Government.

Authorities competent to issue NOC

- Decision to grant NOC to be taken at the level of an **Officer not below the rank of Director / Joint Secretary** to the Government or **Head of Office though he may be lower rank.**
- **An officer not below the rank of Under Secretary** or equivalent to be authorized to sign the NOC.

Permission for visiting abroad on personal ground

- When GS applies for leave for going abroad on a private visit, separately prior permission of the Competent Authority for such visit is also required.
- Application for prior permission shall be made in the prescribed proforma. Such proforma may seek details such as:
 - Name and Designation
 - Pay
 - Passport No.
 - Details of private foreign travels to be undertaken (Period of travel, Name of foreign countries to be visited, purpose, Estimated expenditure, Source of fund etc),
 - Details of private foreign travel undertaken during the last four years

Thankyou