



सत्यमेव जयते



**GOVERNMENT OF RAJASTHAN**  
**DEPARTMENT OF PERSONNEL (A-1)**

No F. 3/12(1)Pers/A-1/19

Jaipur, Dated:- **22 JUN 2020**

All IAS/IPS/IFS officers of Rajasthan Cadre.

**Subject:-** Mobility of personnel amongst Central/State & Autonomous Bodies while working under Pensionable establishments – reg.

Sir/Madam,

I am directed to draw your attention towards Department of Pension & Pensioners' Welfare, Ministry of Personnel, Public Grievances & Pension, Government of India's Office Memorandum No. 28/30/2004-P&PW (B) dated 11.06.2020, (Copy enclosed) wherein it has been decided that those employees who joined Central Government/ Central Autonomous body under NPS during 01.01.2004 to 28.10.2009 after submitting technical resignation from Central/ State Government or Central/ State Autonomous body may be given an option for induction in old pension scheme and to get their past service rendered in the Central/ State Government or Central/ State Autonomous body counted for the purpose of pensionary benefits on their retirement subject to fulfilment of the conditions mentioned in Department of Pension & Pensioners' Welfare's O.M. dated 29.08.1984, 07.02.1986 and 28.10.2009. Such option may be exercised within 3 months of issue of above said O.M.

Encl:- As above.

Yours faithfully,

  
(Ashish Modi)


Joint Secretary to Government  
Phone#0141-2227347

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Department of Personnel (A-1), Government of Rajasthan, Main Building, Secretariat, Jaipur (Rajasthan)  
Phone No.: 0141-2227347 (O), Fax: 2227986, Email: ds-dop@rajasthan.gov.in

Copy forwarded to the following for information and necessary action:-

1. Principal Secretary to Hon'ble Chief Minister, Rajasthan, Jaipur.
2. Deputy Secretary to Chief Secretary, Rajasthan, Jaipur.
3. Additional Chief Secretary, Home Department, Government Secretariat, Jaipur.
4. Additional Chief Secretary, Finance Department, Government Secretariat, Jaipur.
5. Director General, Police Department, Rajasthan, Jaipur.
6. Principal Secretary, Forest Department, Government Secretariat, Jaipur.
7. Principal Chief Conservator of Forest (HoFF), Rajasthan, Jaipur.
8. Director, Pension and Pensioners Welfare Department, Rajasthan, Jaipur.
9. Joint Secretary, Finance (Rules) Department, Government Secretariat, Jaipur.
10. Financial Advisor, Government Secretariat, Jaipur.

  
Joint Secretary to Government  
Phone#0141-2227347

No. 28/30/2004-P&PW (B)  
Government of India  
Ministry of Personnel, Public Grievances and Pension  
Department of Pension and Pensioners' Welfare

Lok Nayak Bhavan, Khan Market  
New Delhi, Dated the 11<sup>th</sup> June, 2020

OFFICE MEMORANDUM

**Subject: - Mobility of personnel amongst Central /State & Autonomous Bodies while working under Pensionable establishments – regarding.**

The undersigned is directed to say that the New Pension Scheme (now called as National Pension System) was introduced vide Department of Economic Affairs' notification No.5/7/2003-ECB.PR dated 22.12.2003. It was provided that NPS would be mandatory for all new recruits to the Central Government service from 1<sup>st</sup> of January 2004 except the Armed Forces.

2. In this Department's O.M. of even number dated 26.7.2005, it was provided that all employees who joined Central Government service or in the service of an autonomous body set up by the Central Government before 1.1.2004 and who were governed by old pension scheme under the Central Civil Service (Pension) Rules, 1972 will continue to be governed by the same pension scheme / rules and will count their past service if they take up new appointment in another Ministry / Department of the Central Government or a Central Autonomous Body covered by the CCS (Pension) Rules on or after 1.1.2004, subject to their satisfying the conditions laid down in Para 4 of DP&AR's O.M. No.28/10/1984-PU dated 29.8.1984.

3. Subsequently, vide this Department's O.M. of even number dated 28.10.2009, the benefit of counting of past service under the CCS(Pension) Rules, 1972 was extended to those employees who were initially appointed before 1.1.2004 in (i) Central Government Departments covered under Railway Pension Rules or other similar non-contributing pensionable establishments of Central Government covered by old Pension Scheme /rules other than CCS(Pension) Rules, 1972 OR, (ii) State Government covered under old pension scheme similar to CCS(Pension) Rules, OR (iii) Central / State Autonomous Body covered by the old pension scheme and who resigned to join a Central Government Department / Office or a Central Autonomous Body having pensionable establishment.

4. Representations have been received in this Department from employees who joined under NPS in Central Government / Central Autonomous Bodies after 1.1.2004 but before 28.10.2009, after technical resignation from a pensionable establishment of a Central Government Department, State Government or Central / State Autonomous Body and who were denied the benefit of counting of past service in the old pension scheme in the Central Government.

Contd..2/-.

5. The matter has been examined in consultation with Department of Personnel and Training and Department of Expenditure. It has been decided that those employees who joined Central Government / Central Autonomous body under NPS during 1.1.2004 to 28.10.2009 after submitting technical resignation from Central Govt. / Central Autonomous Body or a State Government / State Autonomous Body and who fulfill the conditions for counting of past service in terms of this Department's O.M. dated 28.10.2009, may be given an option for induction in old pension scheme and to get their past service rendered in the Central / State Government or Central / State Autonomous Body counted for the purpose of pensionary benefits on their final retirement from the Central Government / Central Autonomous Body, subject to fulfillment of all other conditions of counting of such past service in terms of DPAR's O.M. dated 29.8.1984 read with this Department's O.M. dated 7.2.1986 as amended from time to time.

6. Such option may be exercised within 3 months of issue of this O.M. Such employees who are appointed under NPS during 1.1.2004 to 28.10.2009 and are eligible to exercise option in terms of para 5 above but do not exercise the option within the stipulated period will continue to be covered by the provisions of National Pension System. Those employees who joined during 1.1.2004 to 28.10.2009 and have already been given the benefit of CCS(Pension) Rules in terms of O.M. dated 28.10.2009, will continue to be governed by those rules.

7. Those employees who exercise option for counting of past service in accordance with the above provisions may be allowed to avail the benefit under CCS (Pension) Rules, 1972. The capitalized value of pension and gratuity for the past service in the Central / State Autonomous Body will be deposited by that Body to the Central Government / Central Autonomous Body in accordance with the instructions contained in the O.M. No. 28/10/84-Pension Unit dated 29.8.1984. In case the employee concerned has received the pensionary benefits from the Central Government Departments, State Government, Central / State Autonomous Body, etc., he would be required to deposit the amount of such pensionary benefits (along with interest to be calculated in accordance with this Department's O.M. No. 38/34/2001-P&PW(F) dated 29-07-2002) with the Central Government Department / Central Autonomous Body in which he has joined, to enable counting of past service. The employee's share in the accumulated wealth of National Pension System with interest / returns accrued thereon under the NPS, would be deposited in the GPF account of the employee. The employer's share along with interest / returns accrued thereon under the NPS would be deposited in the account of Central Government / Central Autonomous Body in accordance with modalities provided in para 9 of this OM.

8. In some cases, due to non-availability of benefit of counting of past services under the old pension system during 01.01.2004 to 28.10.2009, the employees of State Government/ State Autonomous bodies etc. may have been compelled to take voluntary retirement before joining pensionable Central Government Department/ Central Autonomous bodies after 01.01.2004 but before 28.10.2009. It has been decided that 'voluntary retirement' of such employees may be treated as 'technical resignation' and the benefit of provisions of para 5 to para 7 above may also be extended to them subject to fulfillment of all other conditions for counting of service.

8.1 The forwarding the application through proper channel for the post they had joined after getting voluntary retirement is a pre- requisite for considering it as technical resignation.

8.2 The provisions of this O.M. is mandatory in all such cases.

9. The modalities of accounting of the NPS accumulation would be as under:


S. No.	Issues	Adjustment process
1	Adjustment of employee's contribution to NPS	Amount may be credited to the individual's GPF account and the account may be recasted permitting up to date interest. (FR 16 & Rule 11 of GPF Rules)
2	Adjustment of Government contribution to NPS	To be accounted for as (-) Debit to Object Head "70- Deduct Recoveries" under Major Head " 2071- Pensio and other Retirement Benefits" and Minor Head " 911 – Deduct Recoveries of overpayments" (GAR 35 and Para 3.10 of LMMH and Para 5.1.3 (iii) of Civil Accounts Manual refers)
3	Adjustment of increased value of subscription in NPS on account of appreciation of investment	May be accounted for by crediting the amount to Government Account under Major Head "0071- Contribution & Recoveries towards Pension & other Retirement Benefits" and Minor Head "800-Other- Receipts" (Note under above Major Head in LMMH)

10. All Ministries / Departments are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Accounts Officers and Attached, Subordinate Offices and Autonomous bodies under them.

11. This issues in consultation with of Ministry of Finance, Deptt. of Expenditure vide ID Note No. 25(6)/EV/2017 Dated 06.01.2020 and in consultation with Controller General of Accounts vide their I.D. Note No. 1(7)(2)/2010/c/a/TA/860 dated 18.08.2017.

12. In their application to the employees of Indian Audit and Accounts Department, these orders are issued after consultation with Comptroller and Auditor General of India, as mandated under Article 148(5) of the Constitution.

13. Hindi version will follow.

  
(Ruchir Mittal)

Deputy Secretary to the Government of India

To,

1. All Central Government Ministries / Departments.
2. Chief Secretaries of all State Governments/UTs.
3. Accountant Generals in the States and UTs.
4. Department of Expenditure, Ministry of Finance, North Block, New Delhi.
5. C&AG, Bahadur Shah Zafar Marg, New Delhi.
6. Ministry of Railways, Railway Board, New Delhi.
7. Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi.
8. CGA, Department of Expenditure, INA, New Delhi.
9. AD(OL) for Hindi version.
10. NIC for posting on the website of this Department.

No.28/10/84-Pension Unit  
Government of India/ Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya  
Department of Personnel and Administrative Reforms  
(Karmik aur Prashasnik Sudhar Vibhag)

New Delhi, the 29<sup>th</sup> August 1984

OFFICE MEMORANDUM

Subject: **Mobility of personnel between Central Government Departments and Autonomous Bodies – Counting of service for pension –**  
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As per existing orders, service rendered outside Central Government does not count for pension in Central Government except in the case of scientific employees of autonomous bodies financed or controlled by the Government, who on permanent absorption under the Central Government are allowed to count their previous service for pension subject to certain conditions. In respect of personnel other than scientific employees, who are permanent in Central Government, in the event of their subsequent permanent absorption in public sector undertakings or any autonomous body, proportionate retirement benefits for the service rendered in Government till the date of permanent absorption are allowed as per rules in force at the time of absorption. No such benefit is allowed to temporary employees going over to autonomous body or undertaking.

2. A number of Central autonomous/statutory bodies have also introduced pension scheme for their employees on the lines of the pension scheme available to the Central Government employees. It has, therefore, been urged by such autonomous/statutory bodies that the service rendered by their employees under the Central Government or other autonomous bodies before joining the autonomous body may be allowed to be counted in combination with service in the autonomous body, for the purpose of pension, subject to certain conditions. Similar provisions for employees of autonomous body going over to Central Government have also been urged. In other words, the suggestion is that the benefit of pension based on combined service should be introduced.

3. This matter has been considered carefully and the President has now been pleased to decide that the case of Central Government employees going over to a Central autonomous body or vice-versa and employees of the Central autonomous body moving to another Central autonomous body may be regulated as per the following provisions:-

(a) In case of Autonomous Bodies where Pension Scheme is in operation.

(i) Where a Central Government employee borne on pensionable establishment is allowed to be absorbed in an autonomous body, the services rendered by him under the Government shall be allowed to be counted towards pension under the autonomous body *irrespective of whether the employee was temporary or permanent in Government*. The pensionary benefits will, however, accrue only if the temporary service is followed by confirmation. If he retires as a temporary employee in the autonomous body, he will get terminal benefits as are normally available to temporary employees under the Government. The same procedure will apply in the case of employee of the autonomous bodies who are permanently absorbed under the Central Government.

The Government/autonomous body will discharge its pension liability by paying in lumpsum as a one-time payment, the pro-rata pension/service gratuity/terminal gratuity and DCRG for the service upto the date of absorption in the autonomous body/Government, as the case may be. Lumpsum amount of the pro-rata pension will be determined with reference to commutation table laid down in CCS (Commutation of Pension) Rules, 1981, as amended from time to time.

(ii) A Central Government employee with CPF benefits on permanent absorption in an autonomous body will have the option either to receive CPF benefits which have accrued to him from the

Government and start his service afresh in that body or choose to count service rendered in Government as qualifying service for pension in the autonomous body by foregoing Government's share of CPF contributions with interest, which will be paid to the concerned autonomous body by the concerned Government Department. *The option shall be exercised within one year from the date of absorption. If no option is exercised within stipulate period, employee shall be deemed to have opted to receive CPF benefits. The option once exercised shall be final.*

(b) Autonomous body where the Pension Scheme is not in operation.

(i) A permanent Central Government employee borne on pensionable establishment, on absorption under such autonomous body will be eligible for pro-rata retirement benefits in accordance with the provisions of the Ministry of Finance O.M. No.26(18)EV(B)/75 dated the 8<sup>th</sup> April, 1976, as amended from time to time. In case of quasi-permanent or temporary employees, the terminal gratuity as may be admissible under the rules would be actually payable to the individual on the date when pro-rata retirement benefits to permanent employees become payable. However, in the case of absorption of a Government employee with CPF benefits, in such an autonomous organisation, the amount of his subscriptions and the Governments' contribution, if any, together with interest thereon shall be transferred to his new Provident Fund account with the consent of that body.

(ii) An employee of an autonomous body on permanent absorption under the Central Government will have the option either to receive CPF benefits which have accrued to him from the autonomous body and start his service afresh in Government or choose to count service rendered in that body as qualifying service for pension in Government by foregoing employer's share of Contributory Provident Fund contributions with interest thereon, which will be paid to the concerned Government Department by the autonomous body. The option shall be exercised within one year from the date of absorption. If no option is exercised within stipulated period, employee shall be deemed to have opted to receive CPF benefits. The option once exercised shall be final.

(c) Absorption of employees of one Central Autonomous body to another Central Autonomous body. The above procedure will be followed mutates mutandis in respect of employees going from one autonomous body to another.

4. "Central autonomous body" means body which is financed wholly or substantially from cess or Central Government grants. "Substantially" means that more than 50% of the expenditure of an autonomous body is met through cess or Central Government grants. Autonomous body includes a Central statutory body or a Central University but does not include a public undertaking.

Only such service which qualifies for pension under the relevant rules of Government/Autonomous body shall be taken into account for this purpose.

5(1). The employees of a Central autonomous body or Central Government, as the case may be, who have already been sanctioned or have received pro-rata retirement benefits or other terminal benefits for their past service will have the option either:-

(a) to retain such benefits and in that event their past service will not qualify for pension under the autonomous body or the Central Government, as the case may be : or

(b) to have the past service counted as qualifying service for pension under the new organisation in which case the pro-rata retirement or other terminal benefits, if already received by them, will have to be deposited alongwith interest thereon from the date of receipt of those benefits till the date of deposit with the autonomous body or the Central Government, as the case may be. The right to count previous service as qualifying service shall not revive until the whole amount has been refunded. In other cases, where pro-rata retirement benefits have already been sanctioned but have not yet become payable, the concerned authorities shall cancel the sanction as soon as the individual concerned opts for counting of his previous service for pension and inform the individual in writing about accepting his option and cancellation of the sanction. The option shall be exercised within a period of one year from the date of issue of those orders. If no option is

exercised by such employees within the prescribed time limit, they will be deemed to have opted for retention of the benefit already received by them. The option once exercised shall be final.

5(2). Where no terminal benefits for the previous service have been received, the previous service in such cases will be counted as qualifying service for pension only if the previous employer accepts pension liability for the service in accordance with the principles laid down in this Office Memorandum. In no case pension contribution/liability shall be accepted from the employee concerned.

6 These orders will be applicable only where the transfer of the employee from one organisation to another was/is with the consent of the organisation under which he was serving earlier, including cases where the individual had secured employment directly on his own volition provided he had applied through proper channel/with proper permission of the administrative authority concerned.

7. These orders will take effect from the date of issue and the revised policy as enunciated above will be applicable to those employees who retire from Government/autonomous body service on or after the date of issue of these orders.

The provisions contained in the Ministry of Finance Office Memorandum No.26(18)EV(B)/75 dated the 8<sup>th</sup> April, 1976 and Office Memorandum No.25(1)EV/83, dated the 8<sup>th</sup> September 1983 or any other orders shall, in so far as it provides for any of the matters contained in this Office Memorandum, cease to operate.

8. The Ministry of Education and Culture etc. are requested to advise the autonomous/statutory bodies under their administrative control, with specific directions to the Financial Advisers concerned, to ensure to make necessary provisions in their Rules and Regulations/ Articles of Association in accordance with the provisions contained in this Office Memorandum. In cases where any practice otherwise than enumerated above is presently being followed the same may be revised in accordance with the provisions of this Office Memorandum so that uniformity is maintained in such matters in all the organisations.

9. In so far as persons serving in the Indian Audit and Accounts Department are concerned these orders issue after consultation with the Comptroller and Auditor General of India.

Sd/-  
S.R.

AHIR

Deputy Secretary to the Government of India



**No. 28(10)/84-P&PW.Vol.II**  
**Government of India/ Bharat Sarkar**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Pension & Pensioners' Welfare-**

6<sup>th</sup> Floor, Nirvachan Sadan,  
Ashoka Road, New Delhi-110001

Dated, the 7<sup>th</sup> February 1986

To

The Chief Secretaries of all the State Governments

**Subject:           Counting of service for purpose of Pension of employees of Central Government and Central Autonomous Bodies seeking absorption in Autonomous Bodies under the state Governments and vice-versa.**

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Sir,

I am directed to say that in August, 1984, Central Government had issued orders that where a Central Government employee borne on pensionable establishment is allowed to be absorbed in a Central Autonomous Body having a pension scheme of its own, the service rendered by him under the Government shall be allowed to be counted towards pension under the Autonomous Body irrespective of whether the employees was temporary or permanent in Government, subject to certain conditions. The same procedure will apply in the case of employees of the Autonomous Bodies who are permanently absorbed under the Central Government. Certain employees of the State Governments and State Autonomous Bodies, who joined the Central Autonomous Bodies/Statutory Bodies, have also represented that their service under the State Government/State Autonomous Body may be allowed to be counted towards pension under Central Autonomous Body where they are presently working. Similarly, certain Central Government servants and employees of the Central Autonomous Bodies/Statutory Bodies might have joined Autonomous Bodies/Statutory Bodies (excluding public undertakings) of the State Governments and may be desirous of getting the benefit of counting of service under Central Government/Autonomous Bodies towards pension in the organisations where they are presently working.

2. In the circumstances explained above, it was felt that reciprocal arrangements may be entered into with the various State Governments to the effect that where employees of the State Governments/State Autonomous Bodies/State Statutory Bodies, have been absorbed in the Central Autonomous Bodies, they may be allowed the same benefits as have been extended to the Central Government servants and vice-versa.

3. The question of extension of various benefits like counting of service etc. in the case of (i) employees of Central Government absorbed in State Autonomous Bodies and (ii) employees of Central Autonomous Bodies absorbed in State Governments and State Autonomous Bodies, and vice-versa has been considered in consultation with the State Governments. After careful consideration, the President has now been pleased to decide that these cases may be decided in accordance with the principles as laid down in the Department of Personnel and Administrative Reforms OM No.28/10/84-Pension Unit dated 29-8-84 (copy enclosed). The cases of Central Government servants appointed in State Governments and vice-versa will continue to be decided as hitherto.

4. Similar orders regarding counting of service of the Central Government employees in the event of their absorption in the State Autonomous Bodies and employees of the Central Autonomous Bodies in the State Governments, and State Autonomous Bodies as well as orders regarding acceptance of pension liability etc. in respect of State Government and State Autonomous Bodies, employees absorbed in Central

Autonomous Bodies and employees of State Autonomous Bodies absorbed in Central Government will be issued by the respective State Governments.

5. These orders shall apply to employees of the State Governments and State Autonomous Bodies moving to Central Government/Central Autonomous Bodies in respect of the State Governments listed below: -

- |                    |                       |
|--------------------|-----------------------|
| (1) Karnataka      | (8) Uttar Pradesh     |
| (2) Madhya Pradesh | (9) Bihar             |
| (3) Punjab         | (10) Gujarat          |
| (4) Rajasthan      | (11) Assam            |
| (5) Sikkim         | (12) Meghalaya        |
| (6) Tripura        | (13) Himachal Pradesh |
| (7) West Bengal    |                       |

These orders shall be extended to the employees of other State Governments as and when they agree to similar reciprocal arrangements.

6. These orders will apply to the employees of the Central Government moving in State Autonomous Bodies and employees of Central Autonomous Bodies to the State Governments and their Autonomous Bodies mentioned in para-5 above and vice-versa who are in service on the date of issue of these orders, irrespective of the date of their absorption.

7. So far as persons serving in the Indian Audit and Accounts Department are concerned, these issue after consultation with the Comptroller and Auditor General of India.

Yours faithfully,  
Sd/-

(HAZARA SINGH)

Deputy Secretary to the Government of India

**Note:** The applicability of above orders has been extended to the following States from the date indicated against each:

- |                 |            |                    |            |
|-----------------|------------|--------------------|------------|
| (14) Andhra Pd. | 17-06-1986 | (20) Arunachal Pd. | 27-05-1988 |
| (15) Kerala     | 30-10-1986 | (21) Nagaland      | 07-09-1988 |
| (16) J&K        | 20-03-1987 | (22) Manipuri      | 20-09-1988 |
| (17) Mizoram    | 07-03-1988 | (23) Haryana       | 20-07-1989 |
| (18) Tamilnadu  | 18-04-1988 | (24) Orissa        | 14-02-1990 |
| (19) Goa        | 27-05-1988 | (25) Maharashtra   | 13-07-1992 |

No. 28/30/2004-P&PW (B)  
Ministry of Personnel, Public Grievances and Pension  
Department of Pension and Pensioners' Welfare

Lok Nayak Bhavan, Khan Market  
New Delhi-110003  
Dated, the 28<sup>th</sup> October, 2009

OFFICE MEMORANDUM

Subject: - Mobility of personnel amongst Central /State & Autonomous Bodies while working under Pensionable establishments – regarding.

The undersigned is directed to say that while introducing the New Pension Scheme from 1/1/2004, amendments to various existing rules including Rule 2 of the CCS (Pension) Rules, 1972 were made whereby these rules became inapplicable to those appointed to Central Govt. Services and posts from 1/1/2004. Also the new and changed position obtaining on mobility of personnel between Central Government departments; between Central and State Governments ; and between Govt. departments and autonomous bodies on technical resignation from 1/1/2004 under these rules were clarified vide OM of even number dated 26/7/2005.

2. The position has been further reviewed by the Government of India and it has been decided to continue mobility of Govt. servants/Autonomous body employees appointed on or before 31.12.03 and who were governed under the old non-contributory Pension scheme of their respective Governments/organizations in order to provide for the continuance of Pensionary benefits based on combined service in accordance with the CCS (Pension) Rules, 1972 as under:-

- a. between the Central Govt. departments covered under CCS (Pension) Rules, 1972; and Railway Pension Rules, 1993 or other similar non-contributory pensionable establishments of Central Govt. covered by old Pension Rules other than CCS (Pension) Rules, 1972 ;
- b. between State and Central Govt provided the employees were appointed in the State Govt (s) on or before 31.12.2003 and covered under old pension scheme similar to CCS (Pension) Rules, 1972;
- c. the pre-existing arrangement of mobility between State/Central Autonomous Body to Central/State Govt. and between autonomous bodies that were governed by old pension schemes in force upto 31/12/2003 vide No 28/10/84-P&PW dated 7/2/1986 and OM. No 28/10/84-Pension unit dated 29/8/1984 stand restored although those under CPF etc. will not be allowed entry into the old pension scheme on appointments from 1/1/2004.

3. These instructions modify/supersede provisions in the OM of even number dated 26/7/2005 to the extent as indicated above and take effect from 1.1.2004.



4. This issues with the concurrence of Department of Expenditure vide their UO No. 335/EV/2009 dt 5/10/2009 and in consultation with C&AG vide their U.O. No.93-audit (Rules)/28-2009 dated 09-10-2009.

  
(Raj Singh)  
Director

To

1. All Central Govt. Ministries/ Departments.
2. Chief Secretaries of all State Governments/UTs
3. Accountant Generals in the States and UTs
4. Department of Expenditure, Ministry of Finance, North Block, New Delhi
5. C&AG, Bahadur Shah Zafar Marg, New Delhi.
6. Ministry of Railways, Railway Board, for information, New Delhi.
7. Department of Financial Services, Jeevan Deep Building, Parliament Street, N.Delhi
8. CGA, Department of Expenditure, 7<sup>th</sup> Floor, Lok Nayak Bhawan, Khan Market, New Delhi.
9. NIC for posting on the website of this department pensionersportal.gov.in .

  
(Raj Singh)  
Director

No. 28020/2/2018-Estt.(C)

Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

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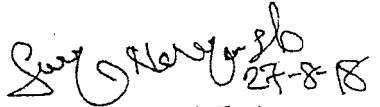
North Block, New Delhi  
Dated 27<sup>th</sup> August, 2018

**OFFICE MEMORANDUM**

Subject: Master Circular on Technical resignation and lien in Central Services-reg.

The undersigned is directed to refer to this Department's OM No. 28020/1/2010 dated 17.08.16 on the above subject and to say that guidelines/instructions regarding lien/technical resignation have been issued from time to time. It is now proposed to further consolidate these instructions to provide clarity and ease of reference.

2. Before the Master Circular is finalized, it is requested to furnish comments/views in this regard, if any, by 10.9.2018 to the undersigned at the e-mail address: [jha.sn@nic.in](mailto:jha.sn@nic.in).



(Surya Narayan Jha)

Under secretary to the Government of India  
Telefax: 23094248

To

All Secretaries of Ministries / Departments.

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Secretary, Union Public Service Commission, New Delhi.
10. Central Vigilance Commission, New Delhi.
11. Central Bureau of Investigation, New Delhi.
12. All Union Territory Administration

No. 28020/3/2018-Estt.(C)  
Government of India  
Ministry of Personnel, PG and Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated: , 2018

**OFFICE MEMORANDUM**

Subject: Master Circular on Technical resignation and Lien in Central Services-reg .

The undersigned is directed to refer to this Department's O.M No. 28020/1/2010-Estt(C) dated 17.08.16 wherein consolidated instructions on Lien /Technical resignation were issued.

2. It has been decided to consolidate the instructions/guidelines in relation to on Lien/ Technical resignation as a Master Circular to provide clarity and ease of reference. The consolidated guidelines issued vide O.M. dated 17.08.16 has been suitably updated as on date and the same is enclosed. The list of O.Ms issued till date is at Appendix.

(N. Sriraman)  
Director (Establishment)  
Telefax: 23094637

Copy to:

All Ministries/ Departments of Government of India.

Copy to:

- (I) The President's Secretariat, New Delhi
- (II) The Vice- President's Secretariat, New Delhi
- (III) The Prime Minister's Office, New Delhi
- (IV) The Cabinet Secretariat, New Delhi
- (V) The Rajya Sabha Secretariat, New Delhi
- (VI) The Lok Sabha Secretariat, New Delhi
- (VII) The Controller and Auditor General of India, New Delhi
- (VIII) The Secretary, Union Public Service Commission
- (IX) The Secretary, Staff Selection Commission
- (X) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions
- (XI) All Officers and Section in the Department of Personnel & Training

## Master Circular on Lien/ Technical resignation in Central Services

### **TECHNICAL RESIGNATION**

1. As per the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17<sup>th</sup> June, 1965, the resignation is treated as a technical formality where a Government servant has applied through proper channel for a post in the same or some other Department, and is on selection, required to resign from the previous post for administrative reasons. The resignation will be treated as technical resignation if these conditions are met, even if the Government servant has not mentioned the word "Technical" while submitting his resignation. The benefit of past service, if otherwise admissible under rules, may be given in such cases. Resignation in other cases including where competent authority has not allowed the Government servant to forward the application through proper channel will not be treated as a technical resignation and benefit of past service will not be admissible. Also, no question of benefit of a resignation being treated as a technical resignation arises in case of it being from a post held on *ad hoc* basis.

2. This benefit is also admissible to Government servants 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 fulfilment of the following conditions:-

- a. the Government servant should intimate the details of such application immediately on her joining;
- b. the Government servant at the time of resignation should specifically make a request, indicating that she is resigning to take up another appointment under Government for which she had applied before joining the Government service;
- c. 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, her application would have been forwarded through proper channel.

### **Carry forward of Leave benefits**

3. In terms of Rule 9(2) of the CCS (Leave) Rules, 1972, technical resignation shall not result in the lapse of leave to the credit of the Government servant. The balance of unutilised CCL as well as all other leaves of the kind due & admissible will be carried forward.

4 As per rule 39-D of the CCS(Leave) Rules,1972, in case of permanent absorption in PSUs/ Autonomous Bodies/ State Government etc., the Government servant shall be granted cash equivalent of leave salary in respect of EL & HPL at his credit subject to overall limit of 300 days.

#### **Carry forward of LTC**

5. Entitlement to LTC may be carried forward in case of a Central Government Servant who joins another post after having submitted Technical Resignation. In case of a Govt Servant who resigns within 8 years of his appointment and joins another post in the Government after Technical Resignation, Govt Servant will be treated as a fresh recruit for a period of 8 years from the date of his initial appointment under Government. Thus, 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.

#### **Pay Protection, eligibility of past service for reckoning of the minimum period for grant of Annual Increment**

6. In cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay is given in terms of the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17<sup>th</sup> June, 1965 read with provisions of FR 22-B. Thus, if the pay fixed in the new post is less than his pay in the post he holds substantively, he will draw the presumptive pay of the post he holds substantively as defined in FR-9(24). Past service rendered by such a Government servant is taken into account for reckoning of the minimum period for grant of annual increment in the new post/ service/ cadre in Government under the provisions of FR 26 read with Rule 10 of CCS(RP) Rules, 2016. In case the Government servant re-joins his earlier posts, he will be entitled to increments for the period of his absence from the post.

#### **7. GPF transfer**

Transfer of GPF on technical resignation would be governed by Rule 35 of the General Provident Fund (Central Services) Rules, 1960.

#### **8. Seniority**

On technical resignation seniority in the post held by the Government servant on substantive basis continues to be protected. However, in case of a Government servant deciding to rejoin his substantive post, the period spent in the another Department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.



## **9. Applicability of Pension Scheme**

In cases where Government servants, who had originally joined government service prior to 01.01.2004, apply for posts in the same or other Departments and on selection they are asked to tender technical resignation, the past services are counted towards pension if the new post is in a pensionable establishment in terms of Rule 26(2) of CCS(Pension) Rules 1972. They will thus continue to be covered under the CCS(Pension) Rules, 1972 even if they join the new post after 01.01.2004.

## **10. New Pension Scheme**

In case of 'Technical Resignation' of Government servant covered under National Pension System (NPS), the balance standing to their Personal Retirement Account (PRA) along-with their PRAN, will be carried forward to the new office.

## **11. Transfer of Service Book from parent Department to present Department.**

As per SR- 198, the Service Book is to be maintained for a Government servant from the date of his/her first appointment to Government service and it must be kept in the custody of the Head of Office in which he is serving and transferred with him from office to office.

## **12. Need for Medical examination.**

In cases where a person has already been examined by a Medical Board in respect of his previous appointment and if standard of medical examination prescribed for the new post is the same, then he need not be required to undergo a fresh examination.

## **13. Verification of Character & Antecedents**

In the case of a person who was originally employed in an office of the Central Government, if the period intervening between date of discharge from his previous office and the date of securing a new appointment, is less than a year, it would be sufficient if the appointing authority, before making the appointment, satisfies itself by a reference to the office in which the candidate was previously employed that (a) that office have verified his character and antecedents; and (b) his conduct while in the employ in that office did not render him unsuitable for employment under Government. If, however, more than a year has lapsed after the discharge of the person from his previous office, verification should be carried out in full/afresh.

## **LIEN**

14. Lien is defined in FR-9(13). It represents the right of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. The benefit of having a lien in a post/service/cadre is enjoyed by all employees who are confirmed in the post/service/cadre of entry or who have been promoted to a higher post, declared as having completed the probation where it is prescribed. It is also available to 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.

15. The above right will, however, be subject to the condition that the junior-most person in the cadre will be liable to be reverted to the lower post/service/cadre if at any time the number of persons so entitled is more than the posts available in that cadre/service.

### **16. Lien on a post**

A Government servant who has acquired a lien on a post retains a lien on that post—

- (a) while performing the duties of that post;
- (b) while on foreign service, or holding a temporary post or officiating in another post;
- (c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;
- (d) while on leave; and
- (e) while under suspension.

A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post.

### **17. Retention of lien for appointment in another central government office/ state government**

- i. 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 exceptional cases. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.

- ii. The exceptional cases may be when the Government servant is not confirmed in the department/office where he has joined within a period of 2 years. In such cases he may be permitted to retain the lien in the parent department/ office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.
- iii. Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (i) and (ii) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.
- iv. 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.

#### **18. Termination of Lien**

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 upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post. It will not be correct to deny a Government servant lien to a post he was holding substantively on the plea that he had not requested for retention of lien while submitting his Technical Resignation, or to relieve such a Government servant with a condition that no lien will be retained.

A Government employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or a State Government) outside the cadre on which he is borne.

No lien shall be retained:

- (a) where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/ cadre/ post in the Government from the date of absorption; and
- (b) on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

## **19. Transfer of Lien**

The lien of a Government servant, who is not performing the duties of the post to which the lien pertains, can be transferred to another post in the same cadre subject to the provisions of Fundamental Rule 15.

## **20. Joining Time, Joining Time Pay & Travelling Allowance**

Provisions relating to joining time are as follows:

20.1 For appointment to posts under the Central Government on results of a competition and/or interview open to Government servants and others, Central Government employees and permanent/ provisionally permanent State Government employees will be entitled to joining time under the CCS (Joining Time) Rules, 1979. Joining time will be included as qualifying service in the new job.

20.2 A Government servant on joining time shall be regarded as on duty during that period and shall be entitled to be paid joining time pay equal to the pay which was drawn before relinquishment of charge in the old post. He will also be entitled to Dearness Allowance, if any, appropriate to the joining time pay. In addition, he can also draw compensatory allowances like House Rent Allowance as applicable to the old station from which he was transferred. He shall not be allowed Conveyance Allowance or permanent Travelling Allowance.

20.3 For appointments to posts under the Central Government on the basis of results of a competition and /or interview open to Government servants and others, Central Government employees and permanent/ provisionally permanent State Government employees shall be entitled to Transfer Travelling Allowance (TTA). However, temporary Central Government employees with less than 3 years of regular continuous service would not be entitled for TTA, as they are not entitled joining time pay under Joining Time Rules.

## **APPOINTMENT OF CENTRAL GOVERNMENT SERVANTS IN CENTRAL PUBLIC ENTERPRISE ON IMMEDIATE ABSORPTION BASIS**

Regarding granting terminal benefits to the Government servants going over to the Public enterprises on immediate absorption basis, the following terms and conditions may be referred:-

### **21. Release of the Government servants for appointment in the enterprises**

A Government servant who has been selected for a post in a Central Public Enterprise may be released only after obtaining and accepting his resignation from the Government service.

**22. Retention of lien/quasi-permanent status: -**

No lien/quasi-permanent status of the Government servant concerned will be retained in his parent cadre. All his connections with the Government will be severed on his release for appointment in an enterprise and he will not be allowed to revert to his parent cadre.

**23. Pay fixation:-**

A Government servant selected for a post in a Central Public Enterprise will be free to negotiate his emoluments with the enterprise. On appointment to a post in a public sector enterprise on immediate absorption basis, a Government servant will be at par with other employees of the enterprise and will be governed by the rules of the enterprise in all respects.

**24. Pension benefits:-**

- i. Resignation from Government service with a view to secure employment in a Central public enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organization.
- ii. The officer eligible for pension should exercise an option within 6 months of the date of his resignation for either of the following two alternatives:-
  - a. Pro-rata monthly pension and death-cum-retirement gratuity admissible under the relevant rules.
  - b. Pro-rata gratuity and a lump sum amount in lieu of pension worked out with reference to the commutation tables applicable on the date of resignation.

**NOTE:** Where no option is exercised within the prescribed time limit, the officer will be governed by alternative (a) above. Option once exercised shall be treated as final.

- iii) Any further liberalization of pension rules decided upon by Government after the date of resignation of a Central Government servant to join the public enterprise will not be extended to him.
- iv) A Government servant who opts for pro-rata monthly pension on his resignation from Government service will not be entitled to relief on pension during his service in the public enterprise.

## **25. Leave:**

A Government servant taking up an appointment in a Central public enterprise will be entitled to encashment of earned leave to his credit at the time of acceptance of his resignation from Government service, subject to a limit of 180 days. Half pay leave will stand forfeited.

## **26. Family pension:**

If there is no family pension scheme in a public enterprise, or if the officer does not become eligible to join family pension scheme in the enterprise, the family pension as admissible under the Central Government will be allowed to him.

26.2. For the purpose of these instructions immediate absorption means acceptance of resignation of an officer from Government service to enable him to take up an appointment in a Central public enterprise, for which he had applied with proper permission.

26.3. Since the terminal benefits mentioned above are admissible only to those officers who leave Government service to secure employment in the enterprise, with proper permission, a case of grant of these benefits may be processed only after ascertaining from the enterprise concerned that the officer has actually joined them.

26.4. The stipulation of 'immediate absorption' will apply to all appointments of Central Government servants in the Central public enterprises, irrespective of the level of appointment, the mode of recruitment, and whether an appointment is in public interest or otherwise, but subject to the exceptions made in the OM dated 6.3.1985 referred to above.

26.5. For the purpose of these orders, a Central public enterprise is an undertaking wholly or substantially owned by the Government of India, and which is accepted as such by the bureau of Public Enterprises.

26.6. The terminal benefits etc. enumerated in para 1 above will be admissible to all Central Government servants, who secure appointments in Central public enterprises with proper permission. A Government servant selected for appointment in an enterprise on the basis of an application submitted by him before joining the Government service will be deemed to have applied with proper permission for the purpose of these orders.

26.7. All existing instructions on the subject will stand amended/ superseded to the extent indicated in the preceding paragraphs. Formal amendments in the statutory rules, where considered necessary, will be carried out in due course.

26.8. All cases of grant of pensionary benefits etc. to Government servants, who are appointed in the Central public sector enterprises on immediate absorption basis, shall be decided by the administrative Ministries/Cadre Controlling Authorities/Authorities competent to accept resignation of a Government servant in accordance with provisions of this OM All other cases not covered under the provisions of this OM or which require relaxation of any provision should continue to be referred to the Bureau of Public Enterprises with necessary service particulars. Cases of doubtful nature also should continue to be referred to the Bureau of Public Enterprises.

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## Appendix

S.No	O.Ms and Date	Subject
1	Ministry of Finance, Department of Expenditure O.M. No F.4(3)-E-IV/63 dated 1.10.1963	Termination of lien of Permanent Government on foreign service in the event of permanent absorption under the foreign employer
2.	Ministry of Finance O.M. No. 3379-E-III(B)/65 dated 17.6.65	Resignation
3.	Ministry of Home Affairs O.M. No 60/37/63-Estt(A) dated 14.7.1967	Forwarding of applications of Government servants working in a department /office to posts in other Central Government Department /offices - questions regarding the retention of lien in the parent Department.
4.	Department of Personnel and Administrative Reforms O.M. No 8/4/70-Estt(C) dated 6.3.74	Forwarding of applications of Government servants working in a department /office to posts under the state Governments -procedure including retention of lien.
5	Department of Personnel and Administrative Reforms O.M. No 28015/2/80-estt(C) dated 22.7.1980	Forwarding of applications of Government servants working in a department /office to posts- - questions regarding the retention of lien in the parent Department.
6.	DOPT O.M. No. 18011/9(s)/78-Estt(B) dated 2.7.1982	Verification of character and antecedents of Central government servants securing new appointment.
7	DOPT O.M. No. 28016/5/85-Estt(C) dated 31.1.1986	Appointment of Central government Employees in the Central Public Enterprises on immediate absorption basis - terms and conditions including retention of lien.
8	O.M. No. 13/24/92-Estt(Pay-I) dated 22.01.1993	Benefit of past services to Central Government servants who had applied before joining the Government service and on that account application was not routed through proper channel.
9	DOPT notification No. 28020/1/96 dated 9.2.1998.	Amendments to Fundamental Rules 9(13),12,13 and 14 on lien etc.
10	DOPT O.M. no.18011/1/86-estt(D) dated 28.3.1998	The right of government employees to the benefit of having lien -clarifications.
11	Department of Pension and Pensioners welfare O.M. No. 28/30/2004-P&PW(B) dated 26.7.2005	Counting of past services of Central government employees towards pension on joining a new post in pensionable establishment.
12.	DOPT O.M. No. 31011/7/2013 - Estt A-IV dated 26.9.2014	Carry forward of LTC in cases of government servants joining a new post after tendering technical resignation.