



Chapter 15

Guidelines on Deputation within India and Abroad and maintenance of Lien.

15.1 Deputation within India.

- 15.1.1 Deputation within India means transfer on deputation/Foreign service of Central Government Employees to ex-cadre posts under the Central Government/State Governments/Public Sector Undertakings/Autonomous Bodies, Universities/UT Administration, Local Bodies, etc. and vice versa.
- 15.1.2 Regulation of pay, deputation (duty) allowance, tenure of deputation/Foreign Service and other terms and conditions are contained in appendix-5 of FR SR Part-1. These are followed by the ICAR mutatis mutandis. Consolidated guidelines as given under appendix\5 (FR9 (25) of the FR.SR Part-1 on deputation within India are **Appendix-XX**.

15.2 Deputation /delegation abroad.

- 15.2.1 Govt. of India consolidated instructions regulating deputation/delegations abroad are contained in appendix-6 of FR.SR Part-1. ICAR follows these instructions mutatis mutandis. Consolidated instructions are at **Appendix-XXI**.

15.3 Maintenance of Lien

Since ICAR is following Govt. of India rules, the definition, retention and termination of lien as contained in relevant FRs are given as follows:-

- 15.3.1 FR (13) Lien means the title of a government servant to hold on regular basis, either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation
- 15.3.2 Provided that the title to hold a regular post shall be subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in that grade.

GOVERNMENT OF INDIA'S ORDERS

- 15.3.3 'Lien' represents only the right/title of a government servant to hold a regular post – 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.



15.3.4 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 next lower grade from which he was earlier promoted.

(Para 4.3. of G.I. Dept. of Per. & Trg. O.M. No. 18011/1/86-Estt.(D), dated the 28th March, 1988)

GOVERNMENT OF INDIA'S ORDERS

15.3.5 Retention of lien in civil post when called to Army service.

All officers of the Army in India Reserve of officers who are employed under the Central Government shall when called to Army service, retain a lien on their civil posts during the period for which they are called to Army service.

(G.I F.D. Endorsement No. F.I.R.-I/29, dated the 19th March, 1929)

15.3.6 Retention of lien in parent department in the case of government servants getting employed in other departments.– The question as to what 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 has been under consideration for some time past. It has been decided that the following procedure should be followed in respect of such government servants:-

15.3.7 The applications may be forwarded in accordance with the relevant instructions irrespective of whether the post applied for in the other department/office is permanent or temporary. In the cases 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.

15.3.8 In the case of quasi-permanent government servants who wish to revert to the parent department/office within a period of two years they may be taken back in the parent department/office provided the posts held by them prior to their joining the new department/Office continue to exist. In any case, at the end of two years from the date of release from the parent department/office, they will have to resign from the parent department/office, if reversion does not take place. An undertaking to abide by those conditions may be taken from them at the time of forwarding the applications.



- 15.3.9 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 the applications.
- 15.3.10 In exceptional cases, where it would take some time for the other department/office to confirm such government servants due to some other administrative reasons, the permanent government servants may be permitted to retain their lien in the parent department/office for one more year. While granting such permission, a fresh undertaking similar to the one indicated in sub-para 15.3.6 above may be taken from the permanent government servants by the parent department/office.
- 15.3.11 These instructions are applicable to the employees in all the departments/offices of the Government of India (excluding the Ministry of Railways and Civilians in Defense Services). The members of the Central Secretariat Service/Central Secretariat Stenographers' Service/Central Secretariat Clerical Service will also be governed by these instructions in supersession of the practice hitherto followed in respect of them.

(G.I. M.H.A O.M. No. 60/37/63-Estt(A) dated the 14th July 1967)

15.4 Retention of lien in parent department in the case of Central Government servants getting employed under State Governments–

- 15.4.1 The applications may be forwarded subject to the instructions issued by the Central Government from time to time and within the limits laid down for forwarding applications for outside posts.
- 15.4.2 Temporary Central Government servants should, as a matter of rule, be asked to resign at the time of release from the parent department/office./An undertaking from them to the effect that in the event of selection for the posts applied for they will resign from their posts may be taken from them at the time of forwarding the applications.
- 15.4.3 In respect of the permanent and quasi-permanent employees, the terms on which the Central Government servant goes over to a post under a State Government may be settled mutually between the Central Government and the State Government concerned. The permanent Government servants will be governed by the instructions contained in Government of India, Ministry of Finance, Letter No. F.I (56)-B/63, dated the 16th November, 1967, (vide Annexure below)
- 15.4.4 The permanent/quail-permanent/government servant should either revert to the parent department/office within the period of two years or resign from the parent department/office at the end of that period.
- 15.4.5 Quasi-permanent Central Government servants will be allowed to revert within two years or at the end of two years, to the posts held by them in the parent departments under the Central Government, if the posts held by them continue to exist on the date of their reversion and if they are eventually confirmed in the parent department/office, the liability



to pay leave salary and pension contribution for the period of service rendered by them in the State Government shall be borne either by the State Government, if the appointment is treated by that government as on transfer or by the quasi-permanent Government Servants themselves.

- 15.4.6 An undertaking to abide by these conditions may be taken from permanent/quail-permanent government servants at the time of forwarding their applications.
- 15.4.7 In exceptional cases, where it would take some time for the State Government to confirm the government servant due to administrative reasons, the permanent/quail-permanent employee may be permitted to retain his lien/quail-permanent status for one more year. While granting such permission, a fresh undertaking similar to the one in sub-para (3) above may be taken from the government servant concerned.

GOVERNMENT OF INDIA'S ORDERS

- 15.4.8 Procedure to be followed when a permanent government servant is permanently absorbed by the foreign employer
- 15.4.9 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.
- 15.4.10 It is hereby clarified that FR 14-A applies only so long as a government servant remains in government service. Obtaining the consent of othe 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 employment. 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 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.
- 15.4.11 Such resignation from government service will be without prejudice to the entitlement of the government servant to the retirement benefits, provided the transfer to the public sector undertaking or Government or Semi-Government Corporation is in the public interest.
- 15.4.12 However, obtaining of formal resignation is not necessary if an individual is deemed to have retired from service by virtue of Rule 37 of CCS (Pension) Rules, 1972.
- 15.4.13 In all cases where a government servant is to be absorbed permanently by the foreign employer under his organization, 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.

**(G.I. M.F. O.M. No. F. 4(3)-E;IV/A/63, dated the 1st October, 1963 and
2(1)-E.IV(A)/73, dated the 22nd April, 1974.)**