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INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN: NEW DELHI

F. No. GAC-21-6/2014-CDN

Date the 15th January. 2014

ENDORSEMENT

Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, New Delhi has issued O. M. No. 28020/1/2010-Estt(C) dated 26.12.2013 regarding Consolidated Instructions on Technical Resignation and Lien. The above mentioned O.M. is being uploaded on the ICAR Web-Site www.icar.org.in for information and further guidance.

(J.N. Bhagat)
Under Secretary (GAC)

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SR No. 1CR)

No.28020/1/2010-Estt(C)

Government of India

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

North Block, New Delhi

Dated the December 26th, 2013OFFICE MEMORANDUM

Subject: Consolidated Instructions on Technical Resignation and Lien-regarding.

The undersigned is directed to refer to the subject mentioned above and to say that various instructions have been issued by the Government from time to time regarding Technical Resignation, and the service conditions under which a lien of a post of Government employee can be a retained, terminated or transferred. All such instructions issued till date have been consolidated under easily comprehensible headings for the facility of reference and placed as Annexure to this O.M. All Ministries/ Departments are requested to bring the above guidelines to the notice of all concerned.

2. Hindi version will follow.



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Director (Establishment)
Telefax: 23093179

To
All 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.
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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. The Secretary, Staff Selection Commission, New Delhi.
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
12. National Commission for Scheduled Castes, New Delhi.
13. National Commission for Scheduled Tribes, New Delhi.
14. National Commission for OBCs, New Delhi.
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Center, DOP&T (20 copies).
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
20. Establishment Section (100 copies).

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Annexure to DOPT O.M.No.28020/1/2010-Estt(C) dated December 26th, 2013

LIEN AND TECHNICAL RESIGNATION

LIEN

Lien represents the right/title 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 benefits of having a lien in a post/service/cadre is enjoyed by all officers 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, 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.

2. The above right/title 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. 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 post/service/cadre 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 post/service/cadre from which he was earlier promoted.

[O.M. No. 1801/1/86-Estt.(D) dated 28.03.1988]

LIEN ON A POST

3. A Government servant who has acquired a lien on a post retains a lien on that post—
- while performing the duties of that post;
 - while on foreign service, or holding a temporary post or officiating in another post;
 - 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;
 - while on leave; and
 - while under suspension.
4. A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post.

RETENTION OF LIEN FOR APPOINTMENT IN ANOTHER CENTRAL GOVERNMENT OFFICE/ STATE GOVERNMENT.

5. If a permanent employee is selected on the basis of his application for posts in other Central Government Department/Offices/ State Government, his lien may be retained in the parent department for a period of 2 years. If the employee concerned is not permanently absorbed within a period of 2 years from the date of his appointment in the new post, he should immediately on expiry of the period of 2 years either resign from the service or revert to his

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TECHNICAL RESIGNATION

13. A resignation from the service or post entails forfeiture of entire past qualifying service. The exception is technical resignation which does not result in forfeiture of past service.

14. In cases where a Government servant applied for post in the same or the other Departments through proper channel and on selection, is required to resign the previous posts for administrative reasons, the benefit of past service, if otherwise admissible under rules, is given treating the resignation as a "Technical Formality". Resignation submitted for other reasons or if competent authority has not allowed him to forward his application through proper channel is a resignation and benefit of past service will not be admissible.

15. This benefit is also admissible to Government servants who applied for posts in same or other Departments before joining 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:-

- (i) the Government servant at the time of joining should intimate the details of such application immediately on their joining.
- (ii) the Government servant at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under Government/ Government organisation for which he applied before joining the Government service and that his resignation may be treated a 'technical resignation'.
- (iii) 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.

[OM No. 13/24/92-Estt.(Pav-I) dated 22.01.1993]

CONTINUITY OF SERVICE ON TECHNICAL RESIGNATION

16. A permanent Government servant appointed in another Central Government Department/Office 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. Such resignations shall not be deemed to be resignation for the purpose of pension, if admissible. As a consequence, continuity of service benefits should be allowed to such employees in the matter of pension, leave, LTC, etc. as admissible under the rules.

17. 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 under CCS (Pension) Rules, 1972.

[Department of Pension & Pensioners Welfare OM No. 28/30/2004-P&PW(B) dated 26.07.2005]

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