केन्द्रीय उत्पाद शुल्क, सीमा शुल्क एवं सेवा कर आयुक्त का कार्यालय
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE, CUSTOMS & SERVICE TAX
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C.No.II/33/1/2010 - Estt. Dated: 14.01.2016

ESTABLISHMENT CIRCULAR NO. 01 /2015

Attention is invited to the following Office Memorandum issued by DOPT:-

Sl. No.	OM No. and date	Subject
1.	No.28021/1/2010-Estt(C) dated 26.12.2013	Consolidated Instructions on Technical Resignation and Lien

Copy of the mentioned OM may be downloaded from the website of Cochin commissionerate - www.cenexcisekochi.gov.in for information.

It must be ensured that the officers who intend to apply for posts in the same or other departments through examinations conducted by UPSC/SSC/PSC etc. should seek permission from the competent authority through proper channel giving details of the examination/post applying for etc., before applying for the exam failing which their cases will not be considered for technical resignation. Once necessary permission is obtained, the officers may apply for the exams and after applying, a copy of the application should be submitted to the competent authority through proper channel for information.

[AMARNATH KESARI]
JOINT COMMISSIONER [P&V]

To

1. The Commissioner of Central Excise, Cochin/Trivandrum/Calicut/CCP/Audit
2. The Deputy Commissioner (CCO), Headquarters Cochin.
3. The DC/AC of divisions under Cochin commissionerate.
4. The Superintendent (EDP) for uploading in website.
5. Notice Board, Hqrs Cochin.
6. Notice Board, Central Excise Bhavan, Kathrikadavu.

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, 2013

OFFICE 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.

(J.A.Vaidyanathan)
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.
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. 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. 18011/1/86-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—
   (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.

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

6. When a Government servant has joined a department/office where he is not confirmed within a period of 2 years due to some reasons, he may, in exceptional cases, 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.

7. 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 (3) and (4) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.

8. Temporary Government servants will be required to severe connections with the Government in case of their selection for outside posts. No lien will be retained in such cases.

[O.M. No. 8/4/70-Estt(C) dated 06.03.1974]

TERMINATION OF LIEN

9. 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.

10. 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.

11. No lien of a Government servant shall be retained:

(i) 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

(ii) on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

[Notification No. 28020/1/96-Estt.(C) dated 09.02.1998]

TRANSFER OF LIEN

12. 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.

[Notification No. 28020/1/96-Estt.(C) dated 09.02.1998]

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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.(Pay-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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