

RB ESTT No. 21/2017

भारत सरकार/GOVERNMENT OF INDIA
रेल मंत्रालय/MINISTRY OF RAILWAYS
(रेलवे बोर्ड)/RAILWAY BOARD

No.E(NG)I-2016/AP/2

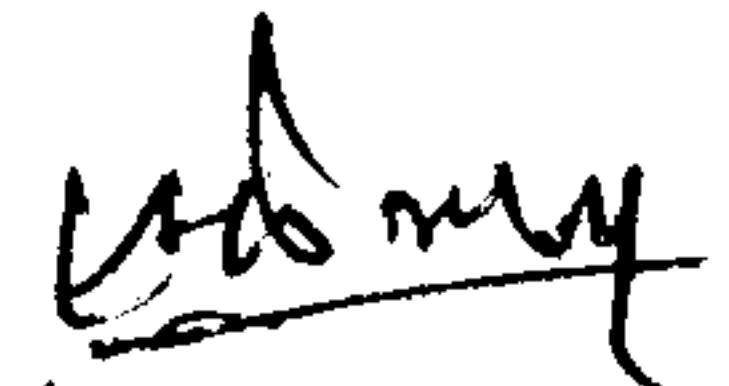
New Delhi, dated 07.03.2017

The General Managers (P)
All Zonal Railways & Production Units
(As per standard List).

Sub:- Technical Resignation & Lien-Consolidated guidelines.

Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training)'s Office Memorandum No.28020/1/2010/Estt.(C) dated 17.08.2016, containing policy guidelines on the various subjects including that of technical resignation, lien etc.is enclosed herewith for necessary action and compliance. The instructions/guidelines contained therein will apply mutatis mutandis on Zonal Railways also.

Please acknowledge receipt.



(M.K. Meena)

Deputy Director Estt.(N)

Railway Board

DA:- As above.

भारत सरकार/GOVERNMENT OF INDIA
रेल मंत्रालय/MINISTRY OF RAILWAYS
रेलवे बोर्ड/RAILWAY BOARD

सं. ई (एनजी)I-2016/एपी/2

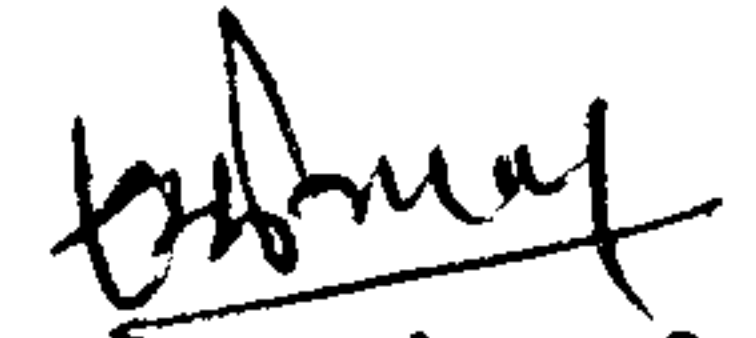
नई दिल्ली, दिनांक: 07.03.2017

महाप्रबंधक (कार्मिक),
सभी भारतीय रेलें और उत्पादन इकाइयां,

विषय: तकनीकी त्यागपत्र एवं लियन से संबंधित मार्गनिर्देशों का संकलन।

कार्मिक, जन शिकायत एवं पेंशन मंत्रालय (कार्मिक एवं प्रशिक्षण विभाग) के दिनांक 17.08.2016 के कार्यालय ज्ञापन सं.28020/1/2010/ईस्ट(सी), जिसमें तकनीकी त्यागपत्र, लियन आदि से संबंधित नीतिगत मार्ग-निर्देशों सहित विभिन्न विषयों पर नीतिगत मार्गनिर्देश अंतर्विष्ट हैं, सूचना एवं अनुपालन के लिए इस पत्र के साथ संलग्न है। इसमें अन्तर्विष्ट अनुदेश/मार्गनिर्देश, यथोचित परिवर्तनों सहित क्षेत्रीय रेलों पर भी लागू होंगे।

कृपया पावती दें।



(एम. के. मीना)

उपनिदेशक स्था.(एन)

रेलवे बोर्ड

संलग्न: यथोक्त

No. 28020/1/2010-Estt.(C)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated 17th August, 2016

OFFICE MEMORANDUM

Subject: Technical Resignation & Lien- Consolidated guidelines.

The undersigned is directed to refer to this Department's OM of even number dated the 26th December, 2013 on the above subject and to say that guidelines/ instructions regarding Technical Resignation have been issued from time to time. It is now proposed to further consolidate these instructions, as the Department continues to receive frequent references on these issues.

2.1 Technical Resignation

2.1.1 As per the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th 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 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.

2.1.2 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 fulfillment of the following conditions:

- (i) the Government servant 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 the Government for which he applied before joining the Government service;
- (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.

(DOPT's O.M.No.13/24/92-Estt(Pay-1) dated 22.01.1993)

2.2 Carry forward of Leave benefits

- (i) 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 unutilized Child Care Leave (CCL) as well as all other leaves of the kind due & admissible will be carried forward.
- (ii) 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.

2.3 Carry forward of LTC

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 Government Servant who resigns within 8 years of his appointment and joins another post in the Government after Technical Resignation, the Government 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.

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

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 17th June, 1965 read with proviso to 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 pay 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 rejoins his earlier posts, he will be entitled to increments for the period of his absence from that post.

2.5 GPF transfer

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

2.6 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 another department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.

2.7 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 1.1.2004.

(Department of Pension & Pensioners Welfare's O.M.No.28/30/2004-P&PW(B)
dated 26.07.2005)

2.8 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.

2.9 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.

2.10 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.

2.11 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, in accordance with O.M.No.18011/9(s)/78-Estt(B) dated 2nd July,1982.

3.1 Lien

3.1.1 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.

3.1.2 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.

(DOPT's O.M.No.18011/1/86-Estt (D) dated 28.03.1998)

3.2 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.

3.3 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.

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

3.4 Termination of Lien

3.4.1 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 on that no lien will be retained.

3.4.2 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.

3.4.3 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.

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

3.5 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.

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

3.6 Joining Time, Joining Time Pay & Travelling Allowance

Provisions relating to joining time are as follows:

3.6.1 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.

3.6.2 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.

3.6.3 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.

4. All Ministries/ Departments are requested to bring the instructions/ guidelines to the notice of all concerned.


(Mukesh Chaturvedi)
Director (Estt.)
Telefax: 23093176

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.
13. Secretary, Staff side, National Council (JCM), 13 C, Ferozeshah Road, New Delhi.
14. ADG (M&C), Press Information Bureau, DoP&T.
- ✓ 15. NIC Cell with request to upload it under OMs and Orders, Establishment, Lien and also 'What is New'.
16. Hindi Section, DOP&T.


(Mukesh Chaturvedi)
Director (Estt.)

भारत सरकार
रेल मंत्रालय
(रेलवे बोर्ड)

सं. ई(एनजी)।-२०१५/सीआर/४

नई दिल्ली, दिनांक २९.०९.२०१५

महाप्रबंधक(कार्मिक),
सभी क्षेत्रीय रेलें एवं उत्पादन इकाइयाँ,
(मानक सूची के अनुसार).

विषय:- क्षेत्रीय रेलों/उत्पादन इकाइयों आदि के हिन्दी विभागों में कार्यरत अराजपत्रित कर्मचारियों की वार्षिक निष्पादन मूल्यांकन रिपोर्ट (APAR) भरने की प्रक्रिया निर्धारित करने के संबंध में।

जैसा कि रेलों को विदित है, रेलवे बोर्ड के वेतन आयोग निदेशालय द्वारा जारी दिनांक १३.०९.२०१२ के पत्र सं. पी.सी.-VI/२००८/१/५/२ के तहत रेलों पर राजभाषा सहायक ग्रेड-II का ग्रेड वेतन पी बी-१ में २८००/- रूपए से बढ़ाकर पीबी-२ में ४२००/- रूपए करके इसे राजभाषा सहायक ग्रेड-I के साथ मर्ज किया गया है तथा मर्ज किए गए ग्रेड में इस पद को कनिष्ठ अनुवादक के रूप में पदनामित किया गया है। साथ ही पी बी-II ग्रेड वेतन ४६००/-रूपए में राजभाषा अधीक्षक के मौजूदा पद को वर्तमान ग्रेड वेतन में वरिष्ठ अनुवादक के रूप में पदनामित किया गया है।

२. उपरोक्त ग्रेड वेतन के पदों के मर्ज होने के कारण कुछ रेलों पर वार्षिक निष्पादन मूल्यांकन रिपोर्ट (APAR) भरने में प्रक्रियात्मक कठिनाई महसूस हो रही है। मामले पर तदनुसार विचार किया, बोर्ड के दिनांक १६.१०.२००३ के पत्र सं. हिन्दी २००२/रा.भा.-१/३/१३ के पैरा २(iii) और २(iv) में दी गई रेलों/उत्पादन इकाइयों आदि के हिन्दी विभाग में कार्यरत अराजपत्रित कर्मचारियों की वार्षिक निष्पादन मूल्यांकन रिपोर्ट (APAR) भरने की प्रक्रिया में आंशिक संशोधन करते हुए, राजभाषा निदेशालय से परामर्श करके यह विनिश्चय किया गया है कि पी बी-२ ग्रेड वेतन ४२००/- रूपए में कार्यरत कनिष्ठ अनुवादकों के मामलों में वार्षिक निष्पादन मूल्यांकन रिपोर्ट (APAR) वरिष्ठ अनुवादक पी बी- २ ग्रेड वेतन ४६००/- रूपए द्वारा लिखी जाए तथा वरिष्ठ अनुवादक से अगला उच्च अधिकारी, जिसके अधीन वह कार्य करता है, पुनरीक्षण अधिकारी होगा तथा पी बी- २ ग्रेड वेतन ४६००/- रूपए में कार्यरत वरिष्ठ अनुवादकों की वार्षिक निष्पादन मूल्यांकन रिपोर्ट (APAR) उस राजपत्रित अधिकारी जिसके अधीन वह कर्मचारी कार्यरत है द्वारा लिखी जाएगी तथा उससे उच्च अधिकारी जिसे वह रिपोर्ट करता है, पुनरीक्षण अधिकारी (Reviewing Authority) होगा।

3. जिन कार्यलयों जैसे रेल भर्ती बोर्ड, रेल दावा अधिकरण तथा मंडलेतर कार्यालय आदि में अनुवादक का एक-एक पद ही है, वहाँ कार्यरत वरिष्ठ/कनिष्ठ अनुवादक की वार्षिक निष्पादन मूल्यांकन रिपोर्ट (APAR) उस राजपत्रित अधिकारी (Reporting Authority) द्वारा लिखी जाएगी जिसके सीधे नियंत्रण में इन संगठनों में कार्यरत अनुवादक काम करता है तथा उससे उच्च अधिकारी, जिसे वह रिपोर्ट करता है, पुनरीक्षण अधिकारी (Reviewing Authority) होगा। कनिष्ठ और वरिष्ठ अनुवादकों की वार्षिक निष्पादन मूल्यांकन रिपोर्ट लिखने से संबंधित अन्य निबंधन एवं शर्तें अपरिवर्तित रहेंगी।

कृपया पावती दें।



(महेश कुमार मीना)

उप निदे.स्था.(अराज.)

रेलवे बोर्ड

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)

88

NO.E(NG)I-96/AP/2(2)

New Delhi, dated 16-8-99

The General Manager (P)
All Indian Railways and
Production Units.
(As per standard list).

Sub:- Amendment to Indian Railway Establishment
Manual.

The Ministry of Railways are pleased to direct that
the Indian Railway Establishment Manual, Volume-I (Revised
Edition-1989) may be amended as per Advance Correction
Slip No.85 enclosed.

(J.S. Gusain)
Joint Director Estt.(N)
Railway Board

DA: ACS No.85

NO.E(NG)I-96/AP/2(2)

New Delhi, dated 16-8-99

Copy forwarded to:-

1. The General Secretary, All India Railwaymen Federation,
Room No.253, Rail Bhavan, New Delhi (with 35 spares).
2. The General Secretary, National Federation of Indian
Railwaymen, Room, No.256C, Rail Bhavan, New Delhi
(with 35 spares).
3. All Members, Departmental Council and National Council
and Secretary, Staff Side, National Council, 13C,
Ferozeshah Road, New Delhi (with 90 spares).
4. The Secretary General, Federation of Railway Officers
Association, Room No.256A, Rail Bhavan, New Delhi
(with 5 spares).

....2/-

INDIAN RAILWAY ESTABLISHMENT MANUAL, VOLUME-I
(1989 EDITION)

ADVANCE CORRECTION SLIP NO. 85

The following amendment may be made in Paras 1404 to 1407 of Chapter XIV of Indian Railway Establishment Manual Volume-I (Revised Edition-1989):-

Substitute the following for the existing Paras 1404 to 1407:-

"1404. Retention of lien on selection on the basis of the forwarding of application:-

- (i) If a permanent railway employee is selected on the basis of his application for posts in other Central Government Department/Offices, 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 Railway service or revert to his 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.
- (ii) Temporary railway servants with less than 2 years service will be required to sever connections with railways in case of their selection for outside posts.
- (iii) When a permanent railway 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 railway employee.

(Authority: Board's letter No. E(NG) II/68/ AP/6 dated 4.12.1968, 19.5.1972 and E(NG) I-88/ CN5/2 dated 20.1.1989).

- Rt. Secy
G.O.
- (iv) Timely action should be taken to ensure extension/reversion/resignation of railway employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where recalcitrant employees do not respond to instructions with the connivance or otherwise of their new employer, suitable action should be initiated against them for violating the agreement/undertaking given by them as per (i) and (iii) above and for termination of their lien.

(Authority : Board's letter No. E(NG)II-73/AP/21 dated 18.9.75 and E(NG)II-79/AP/12 dated 26.9.79).

1405.

Continuity of service on technical resignation:-

A permanent railway 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 within the meaning of Rule 41(2) of Railway Services (Pension) Rules, 1993 for the purpose of pension. As a consequence, continuity of service benefits should be allowed to such employees in the matter of leave also i.e. the railway employee will be allowed to carry forward the leave earned by him, not only on the Railway but that earned during the temporary service or probation in the Civil department also.

(Authority : Board's letter No. E(NG)II/68/AP/6 dated 16.6.1971 and Rule 41(2) of Railway Services (Pension) Rules, 1993).

1406.

Forwarding of applications for posts under State Governments and its Undertakings/Autonomous Bodies etc.

- (1) The applications of railway employees for posts under State Governments and their Undertakings etc. may be forwarded

Undertakings/Central Autonomous Bodies

Applications of Railway servants in response to press advertisement for posts in Central Public Enterprises/Autonomous Bodies may be forwarded with a clear understanding with the Railway servants that in the event of their selection for the post applied for they will sever their connections with the Railways before joining the Public Sector Undertakings/Autonomous Bodies. There is no question of retention of lien in such cases. A Railway servant selected on the basis of his application with proper permission for post in Central Public Enterprises/Central Autonomous Bodies will be required to give his/her technical resignation before his/her relief from Railway service. The Railway servant may thereafter be relieved to take up appointment in the Public Sector Undertaking/Autonomous Body. 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. This period may be extended by the competent authority for reasons beyond the control of the official. Necessary notification/orders accepting the resignation of the Railway servant from Railway service should be issued from the actual date of his/her joining the Public Sector Undertaking/Autonomous Body. The period between the date of relieving and the date of joining Public Sector Undertaking/Autonomous Body can be regulated as leave of the kind due and admissible and if no leave is due, by grant of extra ordinary leave. In case he/she is not able to join the Public Sector Undertaking/Autonomous Body within the period allowed by the competent authority, he/she should report back to the parent office forthwith.

(Authority : Board's letter No.F(E) III I/86/
/PN1/5 dated 16.4.86 and 22.12.95 and
E(E) III/84/PN1/4 dated 25.6.87).

1407. Permission for applying for posts advertised by International Organisations/Foreign Governments:-

Railway servants may apply in response to open or public advertisement of vacancies by the International Organisation and Foreign Governments with the prior permission of the cadre controlling authority concerned. In rare cases, when the time available for submitting the application is short, a Railway servant may send his application to the concerned agency in advance with a copy to his cadre controlling authority and this may be confirmed or withdrawn subsequently depending on the decision of the authority. The cadre controlling authorities would consider each case only from the point of view of whether the Railways servant could be spared or not, no other general considerations should be applied in taking a decision in the case. A Railway servant may be permitted to apply in response to a public advertisement even if he has completed the permitted number of years he can spend in international/foreign assignment in his career. However, in such a case, he would have to resign or take retirement from Government service on selection. A Railway servant applying for an international assignment in response to public advertisement will not be given the status of "official nominee" for the assignment. Correspondence relating to the grant or denial of permission will be between a Railway servant concerned and the cadre controlling authority/Government and latter will not correspond with the international organisation/foreign Government on the subject.

(Authority : Board's letter No. E(NG)I-56/AP/2(2) dated 16.8.99 based on Department of Personnel & Training's letter No. F.18/10/91/FA(UN) dated 20.6.91).

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RB/Estt. No. 68 /2015

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No.E(NG)I-2015/CR/3

New Delhi dated 24.06.2015

The General Managers(P)
All Zonal Railways & Production Units
(As per standard list).

Sub: Maintenance and preparation of Annual Performance Appraisal Reports-Communication of all entries for fairness and transparency in public administration – regarding.

Pursuant to the guidelines contained in DOP&T's O.M. No.21011/1/2005-Estt(A) (Pt.II) dated 14.05.2009, instructions were issued vide Board's letter No. 2009/SCC/3/6 dated 18.08.2009 laying down the procedure for maintenance & preparation of Annual Performance Appraisal Reports (APAR) and communication of all entries recorded in APAR for fairness and transparency in public administration etc. The matter was considered and it was decided later-on that these instructions are applicable mutatis mutandis to the non-gazetted staff working on Zonal Railways vide Board's letter No. E(NG)I-2009/CR/2 dated 30.04.2010.

2. Hon'ble CAT/Calcutta Bench, Kolkata, in their order dated 22.08.2014, delivered in O.A. No.1047 of 2011 filed by Shri Anup Roy Vs Chittaranjan Locomotive Works (CLW), have directed as follows:- "Non communication of an entry is arbitrary. It is not only when there is a bench mark but in all cases that an "entry" (whether it is poor, fair, average, good, or very good) must be communicated to a public servant, otherwise, there is a violation of principle of fairness, which is soul of natural justice. Even an outstanding entry should be communicated, since that boost the morale of an employee and make him work harder."

3. Board wish to reiterate that the instructions contained in Board's letter dated 30.04.2010 quoted above may be adhered to scrupulously in order to comply with the directives of Hon'ble CAT/Calcutta.

(This disposes of CPO/CLW's Reference No. GMA/Law/OA No.1047/2011 dated 21.03.2015).

Receipt of this letter may be acknowledged.


(M.K. Meena)
Deputy Director Estt.(N)
Railway Board

आरबीई सं. 6 8/2015

भारत सरकार
रेल मंत्रालय
(रेलवे बोर्ड)

सं. ई(एनजी)-2015/सीआर/3

नई दिल्ली, दिनांक 24.06.2015

महाप्रबंधक (कार्मिक)
सभी क्षेत्रीय रेलों एवं उत्पादन इकाइयां आदि,
(मानक सूची के अनुसार)

विषय:- वार्षिक कार्य-निष्पादन मूल्यांकन रिपोर्ट का अनुरक्षण और उसे तैयार करना- सार्वजनिक प्रशासन में निष्पक्षता और पारदर्शिता लाने के लिए सभी प्रविष्टियों की सूचना देना।

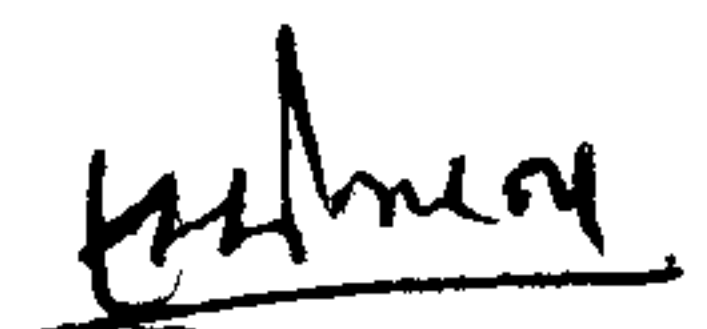
कार्मिक एवं प्रशिक्षण विभाग के दिनांक 14.05.2009 के का. जा. सं. 21011/1/2005-ईस्ट(ए) (पार्ट-11) के अनुसार, बोर्ड के दिनांक 18.08.2009 के पत्र सं. 2009/एससीसी/3/6 के तहत वार्षिक कार्य निष्पादन मूल्यांकन रिपोर्ट (एपीएआर) के अनुरक्षण एवं उसे तैयार करने की प्रक्रिया का निर्धारण करते हुए एपीएआर में रिकार्ड सभी प्रविष्टियों की सूचना देने के संबंध में अनुदेश जारी किए गए थे ताकि सार्वजनिक प्रशासन, आदि कार्य में निष्पक्षता और पारदर्शिता आए। इस मामले पर विचार किया गया और बाद में यह विनिश्चय किया गया कि बोर्ड के दिनांक 30.04.2010 के पत्र सं. ई(एनजी)-2009/सीआर/2 के तहत जारी ये अनुदेश यथोचित परिवर्तनों सहित क्षेत्रीय रेलों में कार्यरत अराजपत्रित कर्मचारियों पर भी लागू होंगे।

2. श्री अनूप राय द्वारा चितरंजन रेल इंजन कारखाना (सीएलडब्ल्यू) के विरुद्ध दायर 2011 के ओ. ए. सं. 1047 में माननीय केन्द्रीय प्रशासनिक अधिकरण की कोलकाता बेंच ने अपने दिनांक 22.08.2014 के आदेश में निदेश दिया था:- "किसी प्रविष्टि की सूचना न देना मनमानी करना है। न केवल बेंचमार्क की स्थिति में अपितु सभी मामलों में "प्रविष्टि" (चाहे वह खराब, सामान्य, औसत, उत्तम अथवा अति उत्तम हो) की सूचना अनिवार्यता जन-सेवक को दी जाए, अन्यथा इससे निष्पक्षता के सिद्धान्त का उल्लंघन होता है, जो नैसर्गिक न्याय की आत्मा है। यहां तक की उत्कृष्ट प्रविष्टि की सूचना भी दी जानी चाहिए क्योंकि इससे कर्मचारी के मनोबल में वृद्धि होती है और उसे और मेहनत से कार्य करने की प्रेरणा मिलती है।"

3. बोर्ड पुनः दोहराना चाहता है कि ऊपर उल्लिखित बोर्ड के दिनांक 30.04.2010 के पत्र में निहित अनुदेशों का पूरी तरह से पालन किया जाए ताकि माननीय केन्द्रीय प्रशासनिक अधिकरण/कोलकाता के निदेशों का अनुपालन हो सके।

(इससे मुख्य कार्मिक अधिकारी/सीएलडब्ल्यू के दिनांक 21.03.2015 के पत्र सं. जीएमए/लॉ/ओए सं 1047/2011 का निपटान हो जाता है)

कृपया इस पत्र की पावती दें।



(एम. के. मीना)

उप निदेशक स्थापना (एन)
रेलवे बोर्ड

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No. E(NG)I-2008/RE-3/4

New Delhi, dated 30.04.2013

The General Managers (P)
All Indian Railways and
Production Units.
(As per standard list).

Sub:- Fixation of pay of disabled/medically unfit running staff on being appointed against alternative (stationary) posts in revised (6th CPC) pay structure.

Reference Railway Board's letter No.E(NG)I-96/RE-3/9(2) dated 29.04.1999 containing procedure for absorption of disabled/medically unfit Railway servant in alternative employment, framed pursuant to the enactment of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act-1995.

2. Consequent upon implementation of revised pay structure inter-alia involving merger of various pre-revised scales and comprising running Pay Bands & Grade Pay based on recommendations of 6th Central Pay Commission, a question has arisen regarding methodology for fixation of pay of medically unfit running staff on being posted/appointed against stationary posts. The matter has, accordingly, been considered by the Ministry of Railways (Railway Board) and based on the recommendations of a Committee constituted for the purpose, it has been decided that while determining pay in Pay Band for the purpose of fixation of pay of medically unfit running staff in alternative (stationary) post, an amount equal to such percentage of basic pay (pay in Pay Band + Grade Pay) representing pay element of running allowance as may be in force from time to time may be added to the existing pay in Pay Band and the resultant figure (ignoring the fraction of rupee, if any) rounded off to the next multiple of 10, would be the pay in the Pay Band in the alternative post with no change in the Grade Pay of substantive post, in suitable alternative post. An illustration in this regard is enclosed as Annexure-I.

3. For this purpose, Para 1307 and 1308 of Indian Railway Establishment Manual, Volume-I, (Revised Edition-1989) First Re-print Edition-2009 may be amended as per Advance Correction Slip No.224 enclosed as Annexure-II.

4. This issues with the concurrence of Finance Directorate of Ministry of Railways.

Please acknowledge receipt.

Hindi version will follow.


(M.K. Meena)
Deputy Director Estt.(N)
Railway Board

DA : As above.

Annexure to Board's letter No.E(NG)I-2008/RE-3/4 dated 30.04.2013

Illustration:

- | | | |
|------|--|--------------------|
| (i) | Present Pay :- Rs.12470 + Rs.4200 | =Rs.16,670 |
| | Add 30% pay element# Rs.5001 i.e. | =Rs.5010 |
| | Pay fixed in alternative post would be | =Rs.17480+Rs.4200 |
| (ii) | Present pay:- Rs.7950+Rs.1900 | =Rs.9850 |
| | Add 30% pay element# Rs.2955 i.e. | =Rs.2960 |
| | Pay fixed in alternative post would be | =Rs.10,910+Rs.1900 |

Note:# At present the rate of pay element of running allowance being 30% of Basic Pay.
