

AB 14017/101/91-Estt. (RR)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)
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New Delhi, the 14 July, 1993.

OFFICE MEMORANDUM

Subject: Forwarding of applications for other posts - principles regarding.

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The undersigned is directed to say that the question regulating the forwarding of applications to the Ministries/ Departments/other Government offices or to the UPSC from candidates serving under the Government has been reviewed.

2. It has been decided to consolidate the instructions on the subject. Therefore, the following instructions in supersession of the instructions contained in this Department's DMs* mentioned in the margin are issued for guidance of all the Administrative Authorities.

3. Application of a Government servant for appointment, whether by Direct Recruitment, transfer on deputation or transfer, to any other post should not be considered/forwarded if:-

- (i) He is under suspension; or
- (ii) Disciplinary proceedings are pending against him and a charge sheet has been issued; or
- (iii) Sanction for prosecution, where necessary has been accorded by the competent authority; or
- (iv) Where a prosecution sanction is not necessary, a charge sheet has been filed in a court of law against him for criminal prosecution.

4. When the conduct of a Government Servant is under investigation (by the CBI or by the controlling Department) but the investigation has not reached the stage of issue of charge sheet or prosecution sanction or filing of charge sheet for criminal prosecution in a court, the application of such a Government servant may be forwarded together with brief comments on the nature of allegations and it should also be made clear that in the event of actual selection of the Government servant, he would not be released for taking up the appointment, if by that time charge sheet for imposition of penalty under CCS (CCA) Rules, 1965 or sanction for prosecution is issued or a charge sheet is filed in a court to prosecute the Government Servant, or he is placed under suspension.


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No. 11012/
10/75-
Estt.
(A) dt.
18.10.75
No. 42015/
4/78-Estt
(C) dt.
1.1.79

5. Where Government servants apply directly to UPSC as in the case of direct recruitment, they must immediately inform the Head of their office/Department giving details of the examination/post for which they have applied, requesting him to communicate his permission to the Commission directly. If, however, the Head of the Office/Department considers it necessary to withhold the requisite permission, he should inform the Commission accordingly within 45 days of the date of closing for receipt of applications. In case any situation mentioned in para 3 is obtaining, the requisite permission should not be granted and UPSC should be immediately informed accordingly. In case a situation mentioned in para 4 is obtaining, action may be taken to inform UPSC of this fact as also the nature of allegations against the Government servant. It should also be made clear that in the event of actual selection of Government servant, he would not be relieved for taking up the appointment, if the charge sheet/prosecution sanction is issued or a charge sheet is filed in a court for criminal prosecution, or if the Government servant is placed under suspension.

6. The administrative Ministries/Departments of the Govt. of India may also note that, in case of Direct Recruitment by selection viz., "Selection by Interview" it is the responsibility of the requisitioning Ministry/Department to bring to the notice of the Commission any point regarding unsuitability of the candidate (Govt. servant) from the vigilance angle and that the appropriate stage for doing so would be the consultation at the time of preliminary scrutiny i.e. when the case is referred by the Commission to the Ministry/Departments for the comments of the Ministry's Representatives on the provisional selection of the candidates for interview by the Commission.

7. In so far as personnel serving in Indian Audit & Accounts Departments are concerned, these instructions are issued in consultation with the Comptroller and Auditor General of India.


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To
All Ministries/Departments of the Government of India.
(200 spare copies)

All Members of Staff Side of the Departmental Council
(JCM)