

## **NO OBJECTION CERTIFICATE FOR HIGHER STUDIES & CHANGE OF**

### **JOBS**

#### **14.1      Permission for joining educational institutions by government servants outside normal working hours**

14.1.1      Ordinarily there can be no objection to the pursuit of knowledge by government servants in their leisure hours. But this must be subject to the condition that such pursuit does in no way detract them from efficient discharge of their duty. Wherever found necessary, the administrative authorities may require that government servants under their control should take prior permission before joining educational institutions or courses of studies for University degrees, as the joining of educational institutions involves commitment about attendance at specific hours and absence from duty during period of examinations. Ordinarily, permission is to be granted but with a view to dealing with cases where it is noticed that the government servant has been neglecting his duties for the sake of his studies, a condition may be attached saying that the permission may be withdrawn at any moment without assigning any reasons. This will, of course, be without prejudice to any other departmental action being taken where mere withdrawal of the permission is not considered adequate<sup>1[1]</sup>.

14.1.2      As per H.O. letter No. DPAD4/2000/87/8/1/2000 dated 4.2.2000 ([Annexure-VII](#)) permission for higher studies/vocational courses in respect of officers upto the rank of DIG and Administrative Officers can be granted by Special Director.

14.1.3      Permission for higher studies will be allowed subject to the following conditions:

- a)      The permission can be withdrawn at any time.
- b)      He will have to proceed on tour whenever asked/required.
- c)      Official duties will not be affected at any time in any way.
- d)      Permission will not confer any right for granting any leave for preparation/appearing in examination. Request for leave will be considered according to official needs/exigencies of service at the appropriate time.
- e)      The permission will not be a ground for continued stay at the same station and he could be transferred to some other station as and when the official exigencies so require.

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<sup>1[1]</sup>Also see G.I. MHA OM No. 25/27/52-Estts. dated 3.5.52 and G.I. MHA O.M. No. 130/54-Estt.(A) dated 26.2.1955

- f) Permission will not be a ground for extension of deputation period in case of a deputationist.

## 14.2 **Forwarding of applications for other employment**

### 14.2.1 **General Principles**

Government of India issues guidelines from time to time in respect of sending of the applications for other employment. According to these guidelines, a final decision whether a particular application should be forwarded or not rests with the authority through whom the application has to be forwarded. While taking a decision in the matter, the authority concerned has to balance the interest of the State against the necessity of avoiding hardship to the individual.

14.2.2 When the conduct of a government servant is under investigation and the same has not reached the stage of issue of prosecution sanction or issue of chargesheet or filing of chargesheet for criminal prosecution in a court of law, his application will be forwarded with brief comments on the nature of allegation. Applications for appointments, by direct recruitment, deputation or absorption will not be considered or forwarded if :

- (i) the employee is under suspension; or
- (ii) disciplinary proceedings are pending against him and a chargesheet has been issued; or
- (iii) sanction for prosecution, where necessary, has been accorded by the Competent Authority; or
- (iv) where a prosecution is not necessary, a chargesheet has been filed in a court of law against him for criminal prosecution.

14.2.3 Applications for appointment in the same or other Central Government Departments can be forwarded. In the event of appointment of permanent government servant in another department, a lien will be retained for a period of two years in parent department which may be extended by one more year if there is delay in confirmation in the borrowing department. Thereafter, they should either revert to parent department or resign. An undertaking to this effect will be taken from the applicant while forwarding the applications. In the case of temporary government servants, an undertaking will be obtained while forwarding applications to the effect that they would resign in the event of their selections in other departments.

14.2.4 Applications of permanent government servants for appointment in Public Sector Undertakings, incorporated or not, wholly or substantially by the

Central/State Government and in autonomous, semi-Government organisations may be forwarded and their lien retained for two years or till their permanent absorption. An undertaking will be obtained for acceptance of the following conditions:

- (a) Leave salary/pension contribution will be paid to government by the organisation or the government servant himself.
- (b) Pay allowed to him in the organisation should neither be less than the minimum of the scale of post in the PSU nor shall it exceed the maximum of that scale and will be regulated as per the provisions in G.I., Department of Personnel & Training, OM. No.2/29/91-Estt.(Pay-II), dated 5.1.1994.
- (c) Before permanent absorption, the organisation concerned should be given prior intimation to the parent office so that resignation of the employee could be accepted before absorption.

14.2.5 In the case of temporary government employee, an undertaking to the effect that they will resign in the event of their selection by the undertakings, will be obtained before forwarding of the application.

14.2.6 Based on the government instructions as mentioned above, the CBI, Head Office has issued instructions on the subject from time to time. A gist of the same is given below for guidance and strict compliance by all the CBI Branches:

- (i) All applications submitted in response to a circular/advertisement (for the posts carrying higher pay scales) shall be forwarded to the Head Office for further action. Applications not submitted in response to any advertisement or circular shall not be forwarded.
- (ii) The applications of eligible CBI employees completed in all respects should be sent to the CBI Head Office through their controlling officers at least 15 days before the last date, after following all the codal formalities published in the concerned advertisement.
- (iii) Every employee may be permitted to apply for outside post not more than four times in a year. However, where government servants apply for the post in response to advertisements made by UPSC/SSC, it shall not be counted against the number of times specified here.
- (iv) The government servants who wish to appear at a competitive examination conducted by UPSC/SSC, may submit their applications directly to the Commission under intimation to their Controlling Officers. If the Head of Office/Department considers it necessary to withhold permission, UPSC will be intimated accordingly within 45 days of the closing date for receipt of the application by it. If no intimation is received by UPSC within the stipulated time, permission will be deemed to have been given. The

same principles would apply to the applications meant for Staff Selection Commission.

- (v) An undertaking should be obtained from the government servants to the effect that in case of his selection, he will tender his resignation as required under the Rules.
- (vi) The applications of only such employees should be forwarded who could be relieved of duties in the CBI in case of their selection to the new post.
- (vii) It will be open to the Controlling Officer concerned as well as the Director, CBI to withhold an application keeping the public interest in view and after recording the reasons thereof.
- (viii) It will not be a matter of right for any employee to have his application forwarded. Forwarding of application will be considered on merit.
- (ix) The above guidelines are only illustrative and not exhaustive.