



EAST COAST RAILWAY

प्रमुख मुख्य कार्मिक अधिकारी का कार्यालय/
Office of the Principal Chief Personnel Officer
द्वितीय तल, - 751 017
Rail Sadan, IInd Floor, Bhubaneswar-751 017

स्थापना क्रमांक/ Estt.Srl. No.284/2019
पूतरे/कार्मिक/आर/ECOR/Pers/R/MPP

Date: 31.12.2019

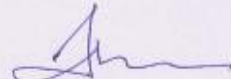
सेवा मे,
सभी प्रमुख विभागाध्यक्षों/समन्वयक विभागाध्यक्षों, पू त रे/भुवनेश्वर
मं.रे.प्र/व.मं.का.अधिकारी/मं.का.अधिकारी-खोरधारोड,वालातेरू, संबलपुर,
मु;कारखाना प्रबंधक/कारखाना कार्मिक अधिकारी- मंचेश्वर, अतिरिक्त रजिस्ट्रार/रेल दावा अधिकरण,
व.का अधिकारी(नि)/भुवनेश्वर
महा सचिव/इकोर श्र. कां., महा सचिव/इकोर श्र. यू.,
महा सचिव/एआई ओ बी सी आर ई ए, महा सचिव/ ए आई एस सी एस टी आर ई ए

Sub: Master Circular-21 on "Resignation from Railway Service".

उपर्युक्त विषय पर बोर्ड पत्र सं E(NG)I-2019/RG I/Master Circular दिनांक 20.12.2019 की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अग्रेषित है।

A copy of the Board's Lr. No E(NG)I-2019/RG I/Master Circular Dated 20.12.2019 on the above quoted subject is forwarded herewith for information, guidance and necessary action.

Encl: As above,


(R.N.A Parida)

Ch/RRC cum Dy. Chief Personnel Officer(IR)
For Pr. Chief Personnel Officer

प्रतिलिपि प्रेषित/Copy to :

- 1) महाप्रबंधक के सचिव/पूर्व तट रेलवे, भुवनेश्वर
- 2) मुकाधि/मुकाधि(प्रशा.), उप म.प्र. अध्यक्ष(रेलवे भर्ती प्रकोष्ठ)
- 3) उप मुख्य प्रबंधक(सू.प्रौ), उप मुकाधि(औ.सं.एवं कल्याण), वकाधि(इंजी.)
- 4) वकाधि(मुख्या.), वकाधि(स्टाफ), वकाधि(राज. एवं न्याया.)
- 5) मुकाधि के निजी सचिव/सहा.कार्मिक अधि.(मुख्या.-1),सहा.कार्मिक अधि.(कल्याण),

ECOR

1989
31.12.19

(G.M.)

RB-3255
#./Sl.No.....
Date 26/12/19
Initial.....

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

प्राप्त/Secy. (15)
26/12/19
प्राप्त/Initial
Date

No.E(NG)I-2019/RG 1/Master Circular

New Delhi, dated 20.12.2019

The General Managers,
All Zonal Railways &
Production Units.
(as per standard mailing list)

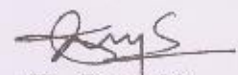
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By G.O. In
(G.O. In)
JCO
31.12

Sub: Master Circular on "Resignation from Railway Service".

Please find enclosed herewith a copy of updated Master Circular No.21 on the above subject for information and guidance.

DA : As above.


(D. Joseph)
Joint Director /Estt.(N)
Railway Board

Copy forwarded to:-

1. The General Secretary, AIRF, Room No.253, Rail Bhawan, New Delhi (35 copies).
2. The General Secretary, NFIR, Room No.256-E, Rail Bhawan, New Delhi (35 copies).
3. All Members/Departmental Council & National Council & Secretary/Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi (60 spares).


for Secretary/Railway Board

1. The Secy.Genl., FROA, Room No.256-A, Rail Bhawan, New Delhi (5 spares).
2. The Secy.Genl., IRPOF, Room No.268, Rail Bhawan, New Delhi (5 spares).
3. The Genl. Secy., AIRPFA, Room No.256-D, Rail Bhawan, New Delhi-110001.

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Master Circular No.21/2019
(update upto December, 2019)

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

No.E(NG)I-2019/RG 1/Master Circular

New Delhi, dated / 7 .12.2019

The General Managers (P)
All Indian Railways &
Production Units.
(as per standard mailing list)

Sub: Master Circular on "Resignation from Railway Service".

Master Circular No.21 on "Resignation from Railway Service" is a compilation of instructions on the subject and was last brought out and circulated to the Railways vide Board's letter No.E(NG)I/90/RG 1/1 dated 21.01.1991. Since then certain provisions have undergone changes and some new provisions have been introduced. With the objective of bringing about all the current basic instructions on the subject at one place, the Master Circular has been updated by suitably incorporating the modification/addition to the instructions in the Revised updated Master Circular, which is as under:-

2. In case a Railway servant against whom an enquiry or investigation is pending (whether he has been placed under suspension or not) submits his resignation, such resignations should not normally be accepted. Where, however, the acceptance of resignation in such cases is considered necessary in the public interest, the same may be accepted with the prior approval of the authority competent to dismiss the Railway servant concerned provided one or more of the conditions laid down below are fulfilled:

- a) where the alleged offences do not involve moral turpitude ; OR
 - b) where the evidence against the delinquent officer is not strong enough to justify the assumption that if the departmental proceedings were continued the officer would be removed or dismissed from service ; OR
 - c) where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.
- [E(NG)II/70/RG/1 dated 24.06.1972]

2.1 In all cases of acceptance of resignation, it will be mandatory for the competent authority to obtain prior vigilance clearance, before taking a decision on the request of resignation. Expeditious consideration of the request for vigilance shall also be ensured by the authority competent to accord vigilance clearance. [E(NG)I-94/RG/2 dated 30.12.1994].

2.2 The question whether cost of training, if any, is recoverable or not should also be taken into account at the time of considering request of resignation.

3. In cases in which a Railway servant has committed an offence for which the penalty is dismissal or removal from service, his resignation should not be accepted. [Para 302 of IRE Code Vol. I]

4. Persons deputed to UN agencies and other International Organisations or those on bilateral assignments may resign from service without returning to India and to their parent departments if they choose to continue on foreign assignment. Government personnel deputed on ITEC assignment cannot resign while serving abroad as the Government of India in the Ministry of External Affairs bears the salary and other expenses of such persons.

5. When a Railway servant working on an important post resigns and it would take time to make alternative arrangements for filling the post, the resignations should not be accepted immediately but only when alternative arrangements for filling the post have been made. [Para 302 IRE Code Vol. I; No. 4(NG)65/RG1/36 dated 26.10.1966 and E(NG)65/AG1/2 dated 30.06.1966]

6. A resignation should not be accepted from a retrospective effect. In order to ensure this, the resignations tendered by Railway employees while on deputation to Public Sector Undertakings etc. in order to get absorbed in such organisation, should be processed and orders accepting the same issued well before the expiry of the sanctioned deputation term.

7. Acceptance of the resignation should invariably be communicated formally to the employee concerned if there is no objection to the acceptance of the resignation. [E(NG)I/92/RG/2 dated 18.05.92]

8. A person who had resigned may be re-appointed in rare cases but the re-appointment should be in the post or in the channel of promotion in which the person was serving previously. The person concerned should be specifically warned at the time of re-appointment that the appointment is entirely a fresh one and that he is not entitled to any benefits or privileges of his past service. Therefore, such persons should not be asked to refund settlement dues. It should be clearly mentioned in the offer that the appointment is purely a temporary one and that he should take his seniority with the other temporary/officiating employees in the Grade. All such cases of re-appointment shall require the personal approval of the concerned co-ordinating Head of the Department (HOD). [E52 RC1/55/3 dated 14.03.1955 & E(NG)I/91/RG1/1 dated 27.12.1991]

8.1 The General Managers and other appointing authorities in the lower field formations do not have any powers to re-appoint or re-employ such staff as have retired from service voluntarily/prematurely on their own option available to them under the Rules and orders. [E(P&A)I-77/RT/46 dated 29.05.1984 & E(NG)I/91/RG1/1 dated 30.04.1992].

8.2 A person who had resigned to contest an election on the symbol of any political party or as an independent candidate shall not be re-appointed either as a fresh entrant or otherwise. [F(NG)I/96/RG 1/1 dated 17.02.1997]

9. Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the competent authority, entails forfeiture of past service. [F(E)III/77/PN1/11 dated 05.08.1977]

10. A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, under the Government, where service qualifies. Interruptions in service due to the two appointments being at different stations, not exceeding the joining time permissible, under the rules of transfer, shall be governed by grant of leave of any kind due to the employee on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him. [F(E)III/77/PN1/11 dated 05.08.1977]

The corresponding provisions of Railway Services (Pension) Rules, 1993 are indicated in Rule 41 thereof.

11. The authority competent to accept the resignation may permit a person to withdraw his resignation in the public interest on the following conditions:

- (i) that the resignation was tendered by the Railway servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal has been made as a result of a material change in the circumstances which compelled him to tender his resignation originally;
- (ii) during the intervening period between the date of his resignation and the withdrawal, the conduct of the person was not improper;
- (iii) that the period of absence from duty between the date on which the resignation became effective and the date on which a person was allowed to resume duty as a result of permission granted for withdrawal of resignation, is not more than 90 days;
- (iv) that the post, which was vacated by the person or any other comparable post is available;
- (v) withdrawal of a resignation shall not be accepted where a Railway servant resigns his service or post with a view to take up a private employment or in a company wholly or substantially owned or controlled by the Government or under a body controlled or financed by the Government; and
- (vi) When an order is passed by the competent authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include condonation of interruption in service but the period of interruption shall not count for qualifying service. [F(E)III/77/PN1/11 dated 05.08.1977]

12. The provision at Para 9 is not applicable in the case of resignations prior to 01.04.1957.

13. Subject to the above:

- (a) The resignations of Group "A" & "B" Railway servants, other than those holding Administrative posts, serving on Railways may be accepted by the G.M. The acceptance of resignations of all other Group "A" servants shall require the sanction of the President and hence, should be referred to the Railway Ministry.
- (b) The resignations of a Group "C" & "D" Railway servant may be accepted by the authority competent to fill the post held by him. [Para 302 of IREC Vol.I]

14. In this connection, attention is also invited to the provisions contained in Chapter 3 of the Indian Railway Establishment Code Vol.I.

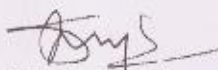
15. Technical Resignation & Lien:

Detailed consolidated instructions on Technical Resignation & Lien, contained in DoP&T's OM No.28020/1/2010-Estt.(C) dated 17.08.2016, which was circulated to the Zonal Railways/PUs, vide Railway Board's letter No. E(NG)I 2016/AP/2 dated 07.03.2017 (RBE No.21/2017) are enclosed as Annexure 'A'.

16. General:

- (a) While referring to this Circular, the original letters referred to herein should be read for a proper appreciation. This Circular is only a consolidation of the instructions issued so far and should not be treated as a substitution to the originals. In case of doubt, the original circular should be relied upon as authority.
- (b) The instructions contained in the original Circulars referred to have only prospective effect from the date of issue unless specifically indicated otherwise in the concerned circular. For dealing with old cases, the instructions in force at the relevant time should be referred to; and
- (c) If any circular on the subject, which has not been superseded, has not been taken into consideration in preparing this consolidated letter, the said circular, which has been missed through oversight, should be treated as valid and operative. Such a missing circular, if any, may be brought to the notice of the Railway Board.

Encl.: As above.


(D. Joseph)

Joint Director/Estt.(N)
Railway Board

Annexure 'A'

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

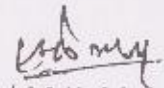
New Delhi, dated 07.03.2017

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.

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.