

Copy of letter No. 5803-G-51/1-4506, dated the 3rd September, 1951, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject : Policy regarding Government servants seeking private employment or employment in other departments of Punjab Government or under other Governments.

I am directed to invite your attention to Punjab Government Notification No. 32627, dated the 23rd November, 1934, with which rules regarding Government servants seeking private employment or employment in other departments of Punjab Government or under other Governments were promulgated. Part II of these rules contains rules regarding employment in other departments of Government or with other Governments and the question of clarifying the instructions contained therein has been engaging the attention of the Punjab Government for some time past.

It has now been decided that the following procedure should be observed in the types of cases mentioned below :—

(a) Where another Government or another Department of the State Government advertises for a post or asks for names through the Public Service Commission or direct :—In such a case, the rules contained in Part II in Punjab Government notification referred to above should apply. The Department which forwards the application should satisfy itself that—

- (i) the applicant will be suitable for the post and fulfils the required qualifications, and
- (ii) that his services can be spared without detriment to work and a suitable substitute will be available. When it is considered that the proposed transfer would not be consistent with the interests of Public Service, the application should be refused.

In a case where the application is forwarded and is accepted by the other Government or the other department of the same Government, the question of the retention of the officer's lien or otherwise shall be determined on the merits of each individual case. If the transfer or deputation is for a long period, the lien could be suspended and later on cancelled on the officer's confirmation, etc. In this connection the relevant rules contained in the Fundamental Rules and the Civil Services Rules (Punjab) should be followed :

(b) Where another Government or department of the State Government asks the Head of the Department etc., for the names of suitable officers for particular posts :—In forwarding names, the following considerations should be borne in mind—

(1) It should be considered whether an officer can be spared with due regard to the requirements of the State or the Department in which the officer is serving. If not, there should be no hesitation in giving a refusal to the "demanding" or "borrowing" Government or department. In this connection, it should be understood that the interest of the State may require that our officer should be allowed to go and similarly the interests of another department in the same State may be greater than the interests of the department in which the officer may be serving.

(2) If an officer can be spared, his selection should be carefully made and strictly on considerations of merit. No *sifarish* personal pull or other considerations of that kind should be allowed to intervene in the matter of selection of name or names. The only criterion should be fulfilment of qualifications and suitability. It should be remembered that considerable heartburning may result, if the names are not selected on consideration of merit and suitability, etc.

(3) Where two or more names have to be forwarded, the same should be, wherever possible or desirable, arranged in order of merit. It should be understood in such a case that the department forwarding the names should be prepared to release any one of the persons recommended, but the Head of the Department would be entitled to call from the "demanding or borrowing Government or department" their reasons for selecting a person other than the one recommended as No. 1. Such reasons should not be demanded save in exceptional cases, because the selecting Government or Department has the final voice in making

- (c) When the demanding or borrowing Government or Department ask for an officer by name —

In a case like this, it will be often found that the reference is the result of "personal pull", on unauthorised approach, 'sifarish' and considerations of that type. Unless it is obvious that no such pull or similar consideration has found a place, the Head of the Department concerned should make a back reference and ask if there were special reasons for asking for the individual by name. There are Government of India's orders contained in their Office memorandum, dated the 17th May, 1949 (copy enclosed), to which the attention of the borrowing or demanding Government might be invited. The department should ask the demanding Government or department to intimate qualifications, etc., for the post and the department would itself forward name or names of suitable men. In other words, calling for the services of officers by name should be discouraged, save in obvious cases, to counteract and avoid what are understood to be 'backdoor' influences. This is very necessary in the interest of discipline and good administration, and

- (d) Where an officer has been trained abroad at Government expense, he should not normally be permitted to go in contravention of the terms of his agreement.

I am to a request that the instructions mentioned above should always be taken into consideration before an officer/official is allowed to go on transfer of deputation to another department or another Government.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS, OFFICE OF THE ESTABLISHMENT OFFICER

New Delhi-3, the 17th May, 1949

OFFICE MEMORANDUM

Subject :- Procedure to be followed in securing the services of officers from provinces for employment at the Centre.

The undersigned is directed to refer to the Ministry of Home Affairs O.M. No. 48 (15) E.O./48, dated the 3rd August, 1948, and to say that the Government of India had occasion to consider what changes, if any, should be made in the existing system of securing officers from the Provinces for employment at the Centre. As the Ministries are aware, the essential features of the existing system as originally conceived are :-

- (a) An Officer of Joint Secretary's status, designated as Establishment Officer to the Government of India, should facilitate the selection of officers for employment at the Centre, maintain personal contacts with Central Departments and Provincial Governments, negotiate with the latter and discuss with them with complete confidence and frankness the difficulties of Provinces and the Centre and the merits of the officer in view and finally maintain a list of officers considered suitable for service under the Government of India.
- (b) Whenever officers are required for service at the Centre, enquiries should be addressed by the Establishments officer to the Provincial Governments indicating the terms, the seniority and qualifications required for the incumbent of the post in question and leaving it to them to recommend the names of such officers as they could spare.
- (c) Requests for the services of officers specified by name should not be made save in the case of officers who had already served at the Centre and had, with the consent of the Provincial Government concerned, been earmarked for further services, if and when needed.
- (d) All correspondence in such matters should be channelised through the Establishment Officer.

2. This system worked well prior to the commencement of the war when there was a sufficient number of capable officers in India both to meet the requirements of the Centre as well as the Provinces. As the war progressed the man power requirements of the Centre as well as of the Provinces increased rapidly. The tendency on the part of the Heads of Central Departments directly to negotiate with Provinces in disregard of the established system increased with the increase in demands for officers. Even after the termination of the war there was no significant diminution in the requirements of manpower and the practice of

shortage caused by the political changes that took place in August, 1947. Owing to the departure of European and Muslim officers very serious gaps were left in all the cadres. Requests addressed by the Establishment Officer for the loan of Provincial Officers have since met with scant success. In the result the needs of the Centre have continued to be met to a large extent by negotiations at Ministerial level.

3. Such negotiations involve, among others, the following serious evils—

- (1) they result in preferential treatment of particular officers who happen to be known to particular Ministers ;
- (2) they lead to personal approach and manoeuvring by individual officers to the disadvantage of their more scrupulous colleagues; and
- (3) they put the Provincial Governments in a very embarrassing position if an officer whose services are asked for is not in the list of officers whom they consider as suitable for appointment at the Centre while other officers who are actually so listed are denied the chance of serving at the Centre on the ground that they cannot be spared.

4. The Cabinet before whom the matter was placed has now decided :—

- (a) that the regular system described in paragraph 1 above should be adhered to save in the most exceptional circumstances;
- (b) that Hon'ble Ministers at the Centre should refrain from negotiating directly with any Minister of a Provincial Government for the loan of any particular officer by name;
- (c) that if any Minister has a preference in favour of any particular individual this should be intimated to the Establishment Officer who can take the matter up with the Province concerned ;
- (d) That where exceptional circumstances exist, e.g., cases of extreme urgency; where Ministers require the services of specified officers because of their special qualifications or experience which render them particularly suitable for particular posts) and cases in which the Establishment Officer's efforts have proved unsuccessful; and it is considered necessary to conduct negotiations at Ministerial level, the matter should be left for decision by the Home Minister.

5. The undersigned is directed to request that this procedure should invariably be followed by all the Ministers of the Government of India.