



# Chapter 13

## Forwarding of Applications of Employees of ICAR

### 13.1 Restriction on the number of application to be forwarded

There will be no restriction on number of applications for posts in the parent Hqrs/Institutes/Centres. The number of applications to be forwarded for outside posts, will, however, be restricted to four per calendar year.

(ICAR No. 33(29)/66-Estt.1 dated 21.3.1972)

### 13.2 Forwardal of application for equivalent posts and also during the period of probation

13.2.1 Applications of both temporary and permanent employees of the council holding any position will not be forwarded for posts equivalent to that position.

(ICAR No. 1(2)/79-Per.IV dated 4.6.1982)

13.2.2 Applications of employees on probation may, however, be considered for forwardal as per the instructions issued by the Government of India, Department of Personnel and Training from time to time

(ICAR No. 8(2)/89-Per.IV dated 19.7.1993)

### 13.3. Forwardal of application by the Scientists holding Research Management Positions (RMPs)

13.3.1 Applications of scientists holding Research Management Position (RMPs) for another equivalent Research Management Position under the ICAR system may be forwarded after he/she has rendered two years service in the existing Research Management Position held by him/her. However, scientists not holding Research Management Positions may apply any time for equivalent posts involving research management

(ICAR No. 8(4)/86-Per.IV dated 6.8.1992)

Note(1): 13.3.2 However, this provision will not be applicable to incumbents of the posts of Directors of IARI/IVRI, NDRI/CIFE/ NAARM/DDGs and ND, NATP.

(ICAR No. 1(12)/2001-Per.IV dated 6.12.2001)

(ICAR No. 1(12)/2001-Per.IV dated 31.12.2001)

### 13.4 Scientists working in higher grade

13.4.1 Scientists working in higher grades may not be allowed to apply of a position involving research management but carrying a lower scale of pay even if the advertisement mentions about granting of higher scale of pay to specially qualified candidates.

(ICAR No. 8(4)/86-Per.IV dated 15.2.1989)



### **13.5 Applications in case of scientists holding RMP**

As per Delegation of Powers, the Director of the Institute is competent to consider and forward the application up to the Principal Scientists outside the ICAR system. However, in case of Research Management Position if the application is to be forwarded outside the ICAR system then the same has to be routed through ICAR Headquarters.

(ICAR No. 95(12)/2011-Per.III dated 7.6.2011)

### **13.6 Application for the post of Training Organizer/Programme Coordinator of KVK:**

The Sr. Scientists who are in the pay scale of Rs. 12000-18300(pre-revised) may apply for the posts of Training Organizer/Programme Coordinator of KVK of ICAR Research Institute which are also in the same scale of pay in relaxation of the guidelines.

(ICAR No. 8(3)/99-Per.IVI dated 7.11.2008)

### **13.7 Forwardal of application for the posts advertised by ASRB.**

13.7.1 The applications of eligible candidate for various posts advertised by the ASRB will continue to be directly entertained by the ASRB. However, before the actual interview/examination, a formal forwarding from ICAR Hqrs/ICAR Institutes as the case may be in the form of 'No Objection Certificate ' (NOC) should be made available to the ASRB by the ICAR Hqrs/ ICAR Institutes positively. NOC should also contain information about vigilance/ disciplinary clearance of the applicants.

13.7.2 The applicants applying for the post advertised by the ASRB directly are also required to give intimation to the Head of Office giving details of the examination, post applied for and a copy of this intimation letter should invariably be attached with the application sent by the applicants directly to the ASRB.

13.7.3 In respect of posts advertised by other agencies like Union Public Service Commission/ Staff Selection Commission/Banking Service Recruitment Boards, applications should be made through proper channel.

(ICAR No. 8(2)/89-Per.IV dated 23.6.1993)

### **13.8 Forwardal of application of Head of Division/Regional Station of the institute.**

13.8.1 The Head of Division/Regional Station of the institute will not be permitted to join or apply for another equivalent position within ICAR or outside during the first 4 years of his/her tenure.

(ICAR No. 9.2(53)/89-R.C Cell dated 2.6.1992)

### **13.9 Forwardal of application of employees under bond:**

13.9.1 Applications of Council's employees under bond to serve the council and seeking employment elsewhere may be forwarded subject to fulfillment of other prescribed conditions and the terms of the bond should not be enforced in the case of council's employees who leave service with proper permission to secure employment under Central



Government/State Government/Public Sector Undertakings , owned wholly/ partly by the Central Government or by a State Government or under Quasi Government Organization/ Public Enterprises (Other than private employment). However, this will be subject to the condition that a fresh bond is taken to ensure that the council's employees serve the new employer for the balance period of the original bond period or for an appropriate period to be determined in each case by the council taking into account the amount spent by the council on their training.

- 13.9.2 To ensure that the requirement of obtaining fresh bond from a person where necessary is fulfilled, the Council with whom the employee has executed the original bond may at the time of forwarding of his application for another post may write to department/organization etc. under whom the employee intends to take up another appointment, intimating them about the bond obligation of the individual and clarifying that in the event of his selection to the new post, his release will be subject to the condition that the new department/organization etc. takes from him a fresh bond binding him to serve them for the balance of original bond period, and in case he fails to serve the new department/organization etc. or leaves it before completion of the original bond period for a job, where exemption from bond obligation is not available, the proportionate bond money should be realized from the individual and refunded to the ICAR with whom he originally executed the bond. The Ministry/Department/ Organization where the person is newly employed should also duly intimate to the Council, the fact of a fresh bond having been executed by the person concerned.
- 13.9.3 These instructions are not restrictive but cover all aspects of training including apprenticeship. It is further clarified that exemption from recovery of expenses applied to all types of expenditure, direct or indirect including payments made as training allowance or stipend.
- 13.9.4 It may be clarified that for the purpose of these instructions any employment other than the employment under the Central Government, State Government, a Public Enterprise, wholly or partly owned by the Central Government or State Government/Autonomous Body wholly or substantially owned /financed/controlled by the Central Government or a State Government will be treated a private employment.
- 13.9.5 Further amendments/modifications, in this context as may be issued by the Government of India from time to time will also be applicable in the case of ICAR employees.
- 13.9.6 These instructions will also be applied to cases where the ICAR employees has been selected for a post/service (other than private employment), for which he had applied before joining the Department/Organization with whom he/she has executed a bond.

**(ICAR No. 8(2)/89-Per.IV dated 9.7.1993)**

Note (1): Transferability of bond liabilities may be permitted only in the case of those scientists who have been selected for Group-A posts in all India Civil Services namely, IAS, IPS, Indian Forest Service and other Group "A" Central Services. However, the bond liabilities shall be insisted upon in all other cases of selection of scientists for Group "A" posts under State



Govt. or public undertaking owned wholly /partly by the Central Govt. or by a State Govt. or under Quasi-Govt. Organization/Public Enterprise or selection in private sector.

(ICAR No. 8(2)/2009-Per.IV dated  
1.10.2009)

### **13.10 Forwardal of application of officers of combined cadre of Administrative Officers and Finance and Accounts Officers**

13.10.1 The applications of the officers of the combined cadre of Administrative Officers and Finance and Accounts Officers for various posts outside the organization are required to be sent only through the Council's Headquarters with the recommendations of the Director of the concerned institute for considering its onward transmission to the concerned outside organization(s). All such applications completed in all respects should be sent to the Council's Headquarters well in advance for necessary action.

(ICAR No. 33(11)/96-Estt.1 dated 19.3.1996)

13.10.2 No application for deputation to outside organization after 1.10.2007 is to be forwarded in respect of officers of the combined cadre of Administrative Officers and Finance and Accounts Officers. The application(s) of officers of combined Cadre of Administrative Officers and Finance and Account Officers for out side posts may be forwarded for direct recruitment posts/post on permanent absorption basis only. These applications will be forwarded at the level of the Director of the concerned institutes under intimation to the Council keeping in view the decision taken in respect of officers posted in Deemed Universities as circulated by ICAR Office Order No. 6-1/2004-CDN(A&A) dated 9.3.2004.

(ICAR No. 33(9)/2004-Estt.1 dated 3.3.2005)

(ICAR No. 33(9)/2004-Estt.1 dated 7.6.2007)

### **13.11 Forwardal of application where vigilance/disciplinary case is pending/ contemplated.**

As for CCS(CCA) Rules, 1965, as applicable to the ICAR employees, the applications of the employees for posts advertised by the ASRB or outside agencies should not be forwarded if any vigilance/disciplinary case is pending/contemplated against them. The rules further stated that when the conduct of a government servant is under investigation by the Central Bureau of Investigation or by the Controlling Department but the investigation has not reached the stage when a prima facie case can be made out against government employee, the application of such an employee may be forwarded together with brief comments on the nature of allegations and it would also be made clear that in the event of actual selection of a government servant he/she would not be relieved for taking up of the appointment, if the investigation has been completed and disciplinary proceedings have already commenced or are likely to be completed shortly.

(ICAR No. 30(13)/97-Per.III (Pt)/dated 25.9.2000)



**Note(1):In the following circumstances under which vigilance clearance shall not be withheld are as under:**

- (i) Vigilance clearance shall not be withheld due to the filing of a complaint, unless it is established on the basis of at least a preliminary inquiry or on the basis of any information that there is prima-facie, substance to verifiable allegation(s) regarding corruption, possession of assets disproportionate to known source of income, moral turpitude and violation of CCS (conduct) Rules, 1964.
- (ii) Vigilance clearance shall not be withheld if a preliminary inquiry as mentioned in preceding para takes more than three months to be completed.
- (iii) Vigilance clearance shall not be withheld, unless the officer is under suspension, a charge sheet has been issued and the proceedings pending, orders for instituting the disciplinary proceeding has been issued by the disciplinary authority provided that the charge sheet is served within three months from the date of passing such order, Charge sheet has been filed in a court by the investigating agency in a criminal case where the case is pending, order in a criminal case has been issued by the disciplinary authority provided that the charge sheet is served within three months from the date of initiating proceedings, sanction for investigation or prosecution has been granted by the competent authority in a case under PC Act, or any other criminal matter, an FIR has been filed or a case registered by the concerned department against the officer provided that the charge sheet is served within three months from the date of filing/registering the case and officer is involved in a trap/raid case on charges of corruption and investigation is pending.
- (iv) Vigilance clearance shall not be withheld due to an FIR filed on the basis of a private complaint unless a charge sheet has been filed by the investigating agency provided that there are no directions to the contrary by a competent court of law.
- (v) Vigilance clearance shall not be withheld even after sanction for prosecution if the investigating agency has not been able to complete its investigations and file charges within a period of two years. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts.

Vigilance clearance shall be decided on a case-by-case basis by the competent authority keeping in view the sensitivity of the purpose, the gravity of charges and facts of the circumstances where the investigating agency has found no substance in the allegation but the court refuses to permit closure of the FIR and where the investigating agency/inquiry officer hold the charges as proved but the competent administrative authority differs or the converse.

**(ICAR No. 42-1/2008-Vig. Dated 12.3.2008)**

**Note (2):Guidelines regarding grant of Vigilance Clearance.**

1. These orders regarding accordance of vigilance clearance to members of the Central Civil Services/posts shall be applicable with respect to (a) empanelment, (b) any deputation for which clearance if necessary, (c) appointments to sensitive posts and assignments to



training programmes (except mandated training). In all these cases, the vigilance status may be placed before and considered by the competent authority before a decision is taken.

**2. The circumstances under which vigilance clearance shall not be withheld shall be as under:**

- a) Vigilance clearance shall not be withheld due to the filing of a complaint, unless it is established on the basis of at least a preliminary inquiry or on the basis of any information that the concerned department may already have in its possession that there is, prima facie, substance to verifiable allegations regarding (i) corruption (ii) possession of asset disproportionate to known sources of income (iii) moral turpitude (iv) violation of the Central Civil Services (conduct) Rules 1964.
- b) Vigilance clearance shall not be withheld if a preliminary inquiry mentioned in 2(a) above takes more than three months to be completed.
- c) Vigilance clearance shall not be withheld unless (i) the officer is under suspension (ii) a charge sheet has been issued against the officer in a disciplinary proceeding and the proceeding is pending (iii) orders for instituting a disciplinary proceedings against the officer have been issued by the disciplinary authority provided that the charge sheet is served within three months from the date of passing such order (iv) charge-sheet has been filed in a court by the investigating agency in a criminal case and the case is pending (v) orders for instituting a criminal case against the officer have been issued by the disciplinary authority provided that the charge-sheet is served within three months from the date of instituting proceedings (vi) sanction for investigation or prosecution has been granted by the competent authority in a case under the PC Act or any other criminal matter (vii) an FIR has been filed or a case registered by the concerned department against the officer provided that the charge sheet is served within three months from the date of filing/registering the FIR/case and (viii) the officer is involved in a trap/raid case on charges of corruption and investigation is pending.
- d) Vigilance clearance shall not withheld due to an FIR filed on the basis of a private complaint unless a charge sheet has been filed by the investigating agency provided that there are no directions to the contrary by a competent court of law.
- e) Vigilance clearance shall not be withheld even after sanction of prosecution if the investigating agency has not been able to complete the investigations and file charges within a period of two years. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the parent cadre in case, he is on deputation and not for any other dispensation listed in para 1 to this OM.

3. In cases where complaints have been referred to the administrative authority concerned, and no substantive response has been received from such administrative authority concerned within three months from the date on which the reference was made, the disciplinary authority may provide a copy of the complaint to the officer concerned to seek



his comments. If the comments are found to be prima facie satisfactory by the competent authority, vigilance clearance shall be accorded.

4. Vigilance clearance shall be decided on a case-by-case basis by the competent authority keeping in view the sensitivity of the purpose, the gravity of the charges and the facts and circumstances, in the following situations:
  - a) Where the investigation agency has found no substance in the allegation but the Court refuses to permit closure of the FIR; and
  - b) Where the investigating agency/inquiry officer holds the charge as proved but the competent administrative authority differs, or the converse
5. While considering cases for grant of vigilance clearance for the purpose empanelment of members of the Central Civil Services/Central Civil posts of a particular batch, the vigilance clearance/status will continue to be ascertained from the respective Cadre Authority. In all such cases, the comments of the Central Vigilance Commission will be obtained. However, if no comments are received within a period of three months, it will be presumed that there is nothing adverse against the office on the records of the body concerned.
6. Vigilance clearance will be issued in all cases with the approval of the Head of Vigilance Division for officers upto one level below their seniority in service. In the case of officers of the level of Additional Secretary/Secretary, this will be issued with the approval of the Secretary. In case of doubt, orders of the Secretary will be obtained keeping in view the purpose for which the vigilance clearance is required by the indenting authority.
7. Vigilance clearance will not normally be granted for a period of three years after the currency of the punishment, if a minor penalty has been imposed on the officer. In case of imposition of a major penalty, vigilance clearance will not normally be granted for a period of five years, after the currency of the punishment. During the period the performance of the officer should be closely watched.

**(DOPT No. 11012/11/2007-Estt.A dated 27.9.2011)**

**(ICAR No. 39-8/2011/Vig. Dated 7.2.2012)**

Note(3): Vigilance clearance shall be denied to an officer if he fails to submit his annual immovable property return of the previous year by 31st January of the following year as required under Government of India decisions under rule 18 of the Central Civil Services (Conduct) Rules, 1964.

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