

Part XII Forwarding of applications for posts

GOVERNMENT OF BIHAR

APPOINTMENT DEPARTMENT

NOTIFICATIONS

The 4th October, 1956

No. III/R1-2021/55-A-9085.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the Bihar Government Servants' Applications for Posts Rules, 1951 published with Government Notification No. 3E-1-165/50A—8422, dated the 5th September, 1951, the Governor of Bihar is pleased to make the following rules, namely:—

1. These rules may be called the Bihar Government Servants' Applications for Posts Rules, 1956.

2. An applicant for appointment to a post or service under the administrative control of the Government of Bihar shall not be eligible for appointment if he is in the service of the Union or of a state and has applied without the consent of the head of the office or department of the Government of Bihar or the consent of the State Government, or the Government of India, as the case may be, under whom he is employed, or the consent of any authority empowered in this behalf by any such Government.

3. Permission to a Government servant employed in a service or post under the administrative control of the Government of Bihar shall—

(a) if he is a temporary Government servant, ordinarily be granted to submit an application for a post, to appear for an examination for a post, or for transfer or service to a post, in another office or department of the Government of Bihar, or under another State Government or the Government of India, as the case may be, if the post applied for is permanent, or is in a higher grade, or is a temporary post of longer duration;

(b) if he is a permanent Government servant,—

(i) ordinarily be granted for appointment to, or for appearing at, an examination or selection for appointment to an All India Service or to a post in a Central Service Class I;

(ii) ordinarily be not granted, save for exceptional reasons to be recorded in writing, for appointment to a post or service under another State Government, or for appointment to any post under the Government of India other than those specified in clause (i) of this sub rule;

(iii) ordinarily be not granted to submit an application for a post, or for transfer of service to a post in another office or Department of the Government of Bihar, unless the Head of the office or the Department, or the authority empowered under rule 2, is of the opinion that the grant of permission would be in the interest of the public;

Provided that in the case of a Government servant, who holds a lien on post under another State Government or under the Government of India but is temporarily employed under the administrative control of the Government of Bihar the concurrence of the Government of India, as the case may be, shall be obtained before permission is granted.

(c) Notwithstanding anything contained in clause (a) and (b) of this rule where the Government servant concerned, whether holding a temporary or permanent appointment, cannot be spared without serious detriment to the public service the authority empowered to forward his application may withhold the application. even though, otherwise, his application would normally have been forwarded under these rules.

4. The authority forwarding an application under these Rules will decide in each case the period likely to be taken for relief of the applicant, after intimation of this appointment has been received. Where an application has been forwarded under the provisions of clause (a) or (b) of Rule 3, and the applicant is selected for appointment; he shall be released by the authority who forwarded the application, unless circumstances of a very exceptional nature have arisen in the meantime, which justify a refusal to release the applicant.

5. A Government servant employed under another State Government or under the Government of India shall not be accepted as a candidate for an appointment to a post for service under the administrative control of the Government of Bihar save and except with the permission of the Government concerned.

By order of the Governor of Bihar.

V. BALASUBRAHMANYAN.

Deputy Secretary to Government

Memo No. III/R1-2021/55A-9085

Patna the 4th October, 1956

Copy forwarded to—

all Departments of Government
all Heads of Departments
all District Officers

for information,

By order of the Governor of Bihar

V. BALASUBRAHMANYAN,

Deputy Secretary to Government

Government of Bihar
Appointment Department,

NOTIFICATION

The 4th October, 1956.

No. III/R1-2021/55-A 9086.— In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Bihar is pleased to make the following rules to regulate applications for private employment by Government servants under the rule-making control of the Government of Bihar, namely :—

Rules.

1. These rules may be called the Bihar Government Servants (Applications for Private Employment) Rules, 1956

2. No Government servant under the rule making control of the Government of Bihar shall apply for private employment or shall signify his willingness to accept such employment without having previously obtained the permission in writing of the appointing authority of his post or service.

3. (a) Permission to apply for or accept private employment shall normally be granted to a person who is on leave preparatory to retirement unless the employment is in a commercial employment. Permission to apply for or accept private employment in a commercial employment will be granted only in very exceptional cases and may be subject to the condition of immediate retirement.

(b) Permission to apply for or accept private employment shall not be granted to any other Government Servant unless the competent authority is satisfied that his premature resignation may be accepted without detriment to the public service.

4. (a) Where a Government servant who is not on leave preparatory to retirement is permitted to apply for or accept private employment, he shall resign his appointment under Government immediately on accepting such employment and after such acceptance, he shall not be allowed any leave, and he shall not be permitted to retain a lien on his appointment under Government; nor will he be entitled to any pension or gratuity.

(b) Where a Government servant who is on leave preparatory to retirement is permitted to apply for or to accept private employment, he shall be required to retire from his permanent post under Government before accepting such private employment.

By order of the Governor of Bihar,
V. Balasubrahmanyam,
Deputy Secretary to Government.

Patna, the 4th October, 1956.

Memo no. III / R1-2021/55-A-9086.

Copy forwarded to

for information.

all Departments of Government,
all Heads of Department,
all District Officers.

By order of the Governor of Bihar,
R. B. Lal,
Addl. Under-Secretary to Government.

SBP (P. & A.) 143—2,000—12-3-1957—BNS,

Memo no. I/MI-4028/56 A-11288

Government of Bihar,
Appointment Department.

Patna, the 23rd November, 1956.

All Departments of Government,
All Heads of Department,
All District Officers.

The undersigned is directed to say that in the Bihar Government Servants' Application for posts Rules, 1956, provision has been made regarding the circumstances in which applications from permanent and temporary Government servants for posts should be forwarded. It has now been decided that applications from Government servants on probation, and holding no lien on a permanent post, should be treated in the same way in which the applications from temporary Government servants are treated. Where a Government servant holds a lien on a permanent post of lower rank, and is on probation in a lower post, he will of course be treated as a permanent Government servant for the purpose of the above rules.

Sd./— R. B. Lal,
Addl. Under Secretary to Government.
Patna, the 23rd November, 1956.

Memo No. I/MI-4028/66-11288.

Copy forwarded to Appointment Department (Section III and (IV), for information.

Sd./— R. B. Lal,
Addl. Under Secretary to Government.Government of Bihar,
Appointment Department.

Patna, the 2 Jaistha, 1879S.

23 May. 1957.

All Departments of Government.

The undersigned is directed to say that question has arisen regarding the forwarding of application of certain categories of candidates for appointment to the Industrial Management pool now being constituted by the Government of India. The Government of India have indicated that posts in the Industrial Management pool will be in central Service Class I. Under Rule 3 (b) (i) of the Bihar Government Servants' Application for posts Rules, 1956, a permanent employ for appointment to a post in central Service class I, unless there are exceptional reasons for refusing him permission to apply, is to be taken from the pool of personnel employed in the different Departments under the State.

Government should be fully safe-guarded. In view of the acute shortage of technical personnel, applications from such candidates for appointment to the Industrial Management pool should not be forwarded as a matter of course, but it should be examined separately in each case whether the candidate can be released, if appointed, without detriment to the interest of the State Government.

(B. D. Pande)

Chief Secretary to Government.

RPL.22/5.

No. I/M1-3032/57A 12578

Government of Bihar,
Appointment Department,

From

K. K. Srivastava, Esqr., I. A. S.,
Addi. Deputy Secretary to Government.

To

All commissioners of Divisions
All District Officers.

Patna, the

18 Asvina, 1879 (S)

10 October, 1957.

Subject:—Forwarding of applications to the Bihar Public Service Commission or Union Public Service Commission.

Sir,

I am directed to say that applications of Government servants, submitted through proper channel for posts advertised by the Bihar Public Service Commission or the Union Public Service Commission or the Union Public Service Commission are received by Government either after the last date fixed for receipt of such applications by the Public Service Commission concerned or only a few days before it. Such delays in receipt of applications cause much inconvenience to Government as well as to the Commission. The Government servants applying for the posts also suffer for no fault of theirs. It is, therefore, requested that it may kindly be ensured that such applications reach Government at least a week before the last date fixed by the Commission.

2. In this connection, your attention is also invited to the provisions of the Bihar Government Servants' Application for posts Rules, 1956, contained in Appointment Department No. 9065 dated the 4th October, 1956 and to say that in future, a copy of the advertisement of the post applied for, should accompany the applications forwarded to Government to enable them to take a decision in the matter.

3. I am to request that the above instructions be brought to the notice of all

Government servants.

Subordinate offices

under you for future guidance.

Yours faithfully,

(K. K. Srivastava)

Adl. Deputy Secretary to Government.

Memo. No I/1-8032/ 57A 125 8

Patna, the 18 Asvina, 1879 (S)

10 October, 1957

Copy forwarded to All Departments of Government
The Bihar public Service Commission, Patna.
The Secretary, Union Public Service Commission,
New Delhi.
Registrar, High Court, Patna.

for information.

(K. K. Srivastava)

Adl. Deputy Secretary to Government.

K. K. 9, 10

Government of Bihar;
Appointment Department.

Memo. no. I/M1-101 79/58A-13821

Patna, the 21st November, 1958.

To.

All Departments of Government

All Heads of Department,

All District Officers.

The undersigned is directed to refer to this Department memo. no. A11288 dated the 23rd November, 1956, and to say that it has further been decided that Government servant who holds a lien on a permanent post of lower rank and is employed in a temporary capacity in a higher post, will be treated as a permanent Government servant for the purpose of the Bihar Government servant's Application for Posts Rules, 1956.

Sd/- R. Srinivasan,

Under Secretary to Government

Memó no. I/M1- 10179 / 58A-1382,

Patna, the 21st November, 1958.

Copy forwarded to the Appointment Department (Sections III & IV) for information in continuation of this Department memo. no, A11288 dated the 23rd November, 1956.

Sd/- R. Srinivasan.

Under Secretary to Government.

Government of Bihar
Appointment Department

Patna, the 6 Magh, 1980

Memo No. A 1118

26 January, 1959

To

All Departments of Government

All Heads of Departments

All Commissioners of Divisions

All District Officers

The undersigned is directed to refer to the procedure laid down in rule 2 of the Bihar Government Servant's Application for posts Rules, 1956 and to say that a few cases have come to the notice of Government in which applications of Government servants had been forwarded to the Public Service Commission by superior officers although they were not competent to do so. This was irregular and the candidates whose applications were thus forwarded were ineligible for being considered for the posts applied for by them under Rule 2 of the Bihar Government Servant's Application for posts Rules, 1956. The Public Service Commission invariably scrutinise the applications to see if they had been properly forwarded, but some times slips occur. It has therefore been decided that in case a person already in Government service applies for another post under Government, his application should invariably be routed through his appointing authority, and the responsibility for such routing of the application will rest squarely on the officer under whom the applicant is working.

This may kindly be brought to the notice of all officers subordinate to you for information and further guidance.

(U. Vaidyanathan)

Addl. Deputy Secretary to Government