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कल्याण मंत्रालय, भारत सरकार

Indian Council of Medical Research
Department of Health Research, Ministry of Health
and Family Welfare, Government of India

No.16/31/2021-Admn.II

Dated: 16.04.2021

OFFICE MEMORANDUM

Instances have come to the notice that several of ICMR employees, in particular the scientific staff, are now applying for either deputation on foreign service or direct recruitment, to other organisations. In both the cases, they are maintaining lien and the ICMR is not in a position to fill up those vacancies and retain them, till the official either rejoins ICMR or gets absorbed in the other organization. In several such situation, the functional requirements of the ICMR are compromised, which affects the overall output of ICMR.

There are specific guidelines of Government of India, for deputation on foreign service or to apply for outside employment. However, certain important conditions, which have to be enforced for the functional benefit of ICMR, it is felt necessary, to have guidelines for ICMR for deputation on foreign service and outside employment.

Hence, the guidelines of ICMR for deputation on foreign service and outside employment is hereby circulated for information and compliance.


19/04/2021

(Jagdish Rajesh)

Assistant Director General (Admn.)

To
The Director/Director-in-Charge,
ICMR's permanent Institutes/Centre
Copy to :

- (1) PS to DG//Sr.DDG(A)/Sr.FA
- (2) All Divisional Heads
- (3) ADG(A)s

Dr.L.K.Sharma, Scientist-F – soft copy of the same has been mailed at your e-mail ID (sharma.lk@icmr.gov.in) for website upload.

INDIAN COUNCIL OF MEDICAL RESEARCH, NEW DELHI
DEPUTATION ON FOREIGN SERVICE / OUTSIDE EMPLOYMENT GUIDELINES

April, 2021

I Introduction:-

At Present ICMR has about 600 Scientists at various levels against a sanctioned strength of 878 numbers of scientists.

1. ICMR is making all effort to fill all the sanctioned posts.

There is no leave (Study leave/Training/Deputation) reserve in HRSC Rules 2007, for ICMR Scientists.

2. Scientist at B, C, D & E are the major workforce of ICMR scientific milieu, working under the supervision of scientist F; G and Directors of various ICMR Institute /ICMR Headquarters.
3. Each scientist, based on his educational qualification and experience, is involved in a particular field of Medical research and plays an important role in furthering research in the said field.
4. The role of a Scientist in ICMR is not a routine administrative job, but is a highly specialized and specific to him/her and the institute. The issue of "NOC" to any existing ICMR Scientist, at any level, is subject to the following:-
 - a. Successful completion of probation
 - b. Confirmation and
 - c. Most importantly, the capacity of ICMR institute/ICMR Hqrs. to relieve the applicant scientist, in the event of selection and keep the post vacant till his lien is completed/he is absorbed in the new post/organization.

5. It is observed recently that a large number of scientist at Scientist B; C; D; & E are applying for issue of "NOC, to apply for various posts, outside the ICMR, sometimes even before completion of their probation period successfully and subsequent confirmation.

6. These guidelines relate to submission of applications of ICMR employees, as direct recruit, for posts within the ICMR and its Institute/Centre and outside ICMR. It may be noted that in a case in which a particular employee cannot be spared without serious detriment to important work in hand, public interest would justify withholding of his application, even if otherwise, the application would have been permitted. It may be added for information that where for good and sufficient reasons, an application is withheld no infringement of any Constitutional right is involved.

(Ref. DOP&T OM No.4/11/2005-CSI (Trg.) dated 05.04.2010)

II. Interpreting the term 'Public interest':

- (a) DG, ICMR should interpret the term 'public interest'
- (b) For this purpose, "scientific and technical personnel", may be interpreted to mean persons holding posts or belonging to services, which have been declared to be scientific or technical posts or scientific or technical service.

(Ref. OM No.70/10/60-Estt. (A) dated 09.05.1960 and OM No.8/7/69-Ests (C) dated 01.11.1970)

III. In pursuance to the Memorandum of Association, the Indian Council of Medical Research (ICMR), hereby makes the following guidelines namely: -

1. **Short title: -**

These guidelines shall be called, the Indian Council of Medical Research (Deputation/Outside employment) Guidelines, 2021.

2. **Definitions: -**

In these regulations, unless the context otherwise requires:

- (a) "Government" means, the Government of India
- (b) "Secretary DHR" means, the Secretary to the Department of Health Research, Government of India.
- (c) "ICMR" means, the Indian Council of Medical Research.
- (d) "Hqrs" means, the Head Office of the Indian Council of Medical Research at V. Ramalingaswamy Bhawan, Ansari Nagar, New Delhi – 110 029.
- (e) "DG, ICMR", means, the Director General of the Indian Council of Medical Research.
- (f) "Director" means, the Director / Director In-charge / Officer In-charge of the ICMR Institute / Centre.
- (g) "Institute / Centre" means, the permanent Institutes / Centres and their field Units of ICMR, spread across the country.
- (h) "Service" means, regular service, in a post / pay scale / pay band, at the Indian Council of Medical Research.
- (i) "Competent authority" means, the competent authority to approve the deputation, ie., DG, ICMR.
- (j) "Scientific Cadre" means, the scientific staff appointed under the relevant ICMR Health Research Scientific Cadre Rules.
- (k) "Technical Cadre" means, the Technical staff appointed under the relevant ICMR Technical Cadre Integrated Recruitment and Assessment Rules.
- (l) "Administrative Cadre" means, the Administrative Staff appointed under the relevant ICMR Administrative Cadre Recruitment Rules.
- (m) "Deputation" means, Transfer on deputation / Foreign Service of ICMR Employees to ex- cadre posts outside ICMR, under the Central Government / State Governments / Public Sector Undertakings / Autonomous Bodies, Universities/ UT Administration, Local Bodies etc. and vice-versa—Regulation of pay, Deputation(duty) Allowance, tenure of deputation / Foreign Service and other terms and conditions.
- (n) "Borrowing Organization" means, the organization to which the ICMR employee desires to apply for appointment on deputation terms.

- (o) "Cooling off period" means, the period between the date of return from last deputation period and the date of application for another deputation.
- (p) All other words and expressions used in these guidelines, but not defined, shall have the meanings, respectively assigned to them, in the ICMR rules.
- (q) Outside Employment means- Applications submitted for employment under other Government Organisations, under direct recruitment basis.

3. Right to Deputation/Issue of NOC (General Principle for dealing with such applications):

- (a) Deputation cannot be claimed, as a matter of right
- (b) When exigencies of public service so require, deputation of any kind, may be refused or revoked, by the authority competent to grant it.
- (c) The request for deputation outside the ICMR services shall be considered, on individual case to case basis, on merits, subject to these guidelines. The APAR grading of previous 5 years, will be taken into consideration.
- (d) The issue of "NOC" to any existing employee, by ICMR, is not mandatory; automatic and compulsory. It is entirely up to ICMR to consider and issue "NOC" or 'not to issue' the NOC based on public interest and functional requirements of the organization.
- (e) A permanent employee cannot justly complain of hardship or harsh treatment, if his application for any other post or employment is withheld.
- (f) Applications of employees, who have been given some technical training at Government expenses, after commencement of service – Such Government servant cannot justifiably complain of hardship, if he/she is not allowed to capitalize the special qualifications so gained by seeking other better employment. Withholding of application in such a case, is therefore justifiable.

4. Procedure to be followed in the case of those who apply for posts in the same / other central Government Department/State Government/Autonomous Body/Central Public Sector Enterprises etc and Terms for grant of Deputation/Issue of NOC

Allowing an employee of ICMR for out of ICMR deputation, shall be considered only for the similar and higher post / pay level and having a direct and close connection with the sphere of his / her nature of duty of ICMR.

Deputation shall not be granted to a member of the Service: -

- (a) Who is under Probation i.e., whose confirmation order is not issued?
- (b) Who has rendered less than "five years" regular service under the ICMR. i.e., after successfully completion of his probation and issue of confirmation orders.
- (c) Who is due to reach the age of superannuation, "within three years", from the date, on which he / she is expected to return to duty, after the expiry of deputation.

- (d) Who has not submitted his / her Immovable Property Returns (IPR), for any of the last five years.
- (e) Who is under suspension; or sanction for prosecution, where necessary has been accorded by the Competent Authority; or where a prosecution sanction is not necessary, a charge sheet has been filed in a Court of law against him for criminal prosecution.
- (f) Who has been awarded major penalty, during his / her service.
- (g) Who has been awarded minor penalty, in the last five years, on the date of application.
- (h) Against whom disciplinary, vigilance/ departmental action is either pending or contemplated.
- (i) Deputation shall not be granted to a member of the Service, with such frequency, as to remove him from contact, with his regular work or to cause cadre difficulties, owing to his absence.
- (j) Who do not execute the required bonds.
- (k) Who has not completed the Cooling Off period of five years
- (l) For appointment / promotion within the ICMR cadres.
- (m) DG, ICMR is the only Authority Competent to issue "NOC". Director of any ICMR Institute/ Head at Division at ICMR Hqrs. is not competent to issue "NOC" at all Any "NOC" issued by any other officer, than DG, ICMR is "null and void".
- (n) Existing applicants are requested to apply for the "NOC" in (minimum 15 days) advance while applying, in the Performa attached at Annexure I. No last minute rush will be entertained.
- (o) Applications from employees for employment elsewhere either deputation or outside employment, submitted otherwise than in response to advertisement or circulars inviting applications, should not be forwarded.
(Ref. OM No.5/3/65-Ests(c) dated the 21.12.1965).

5. Maximum tenure of Deputation that may be granted at a time and during the entire service: -

- (a) The period of deputation / foreign service, shall be allowed, initially for two years.
- (b) On the basis of specific request from the competent authority of the borrowing organization, may be extended for the 3rd year, with the approval of the DG, ICMR.
- (c) No further extension beyond these 3rd year shall be considered.
- (d) The proposal for extension shall be submitted prior to six months of the completion of the deputation duration.
- (e) No employee shall continue to remain on deputation, after the completion of the approved period of deputation. In such cases, the period shall be termed as

unauthorized and willful absence, and shall be treated as "Dies-Non" with break in service.

6. FORWARDING OF APPLICATIONS FOR POSTS ADVERTISED BY CENTRAL/PUBLIC SECTOR UNDERTAKING/CENTRAL AUTONOMOUS BODIES

- (a) Application of Central Government Servants in response to press advertisement for posts in Central Public Enterprises/Autonomous Bodies may be forwarded with a clear understanding with the employee that in the event of their selection for the post applied for they will sever their connections with the Government before joining the public sector undertakings/Autonomous Bodies. No lien shall be retained in such cases. The relieving order should indicate the period within which the official should join the Public Sector Undertaking/Autonomous Body. Normally this period should not be more than 15 days. This period may be extended by the competent authority for reasons beyond the control of the official. Necessary notification/orders accepting the resignation of the Government servant from Government service should be issued from the actual date of his/her joining the Public Sector Undertaking/Autonomous Body. The period between the date of relieving and the date of joining Public Sector Undertaking/Autonomous Body can be regulated as leave of the kind due and admissible and if no leave is due, by grant of extra ordinary leave. In case he/she is not able to join the Public Sector Undertaking/Autonomous Body within the period allowed by the Competent Authority, he/she should report back to the parent office forthwith.
- (b) If any employee would like to have "NOC" for outside employment, then he/she has to resign from ICMR job and join the new place of posting and he/she will not hold any lien for any period against any ICMR post so that ICMR can go ahead and fill up the said post.
- (c) As for temporary employees, they should, as a matter of rule, be asked to resign from the parent department/office. An undertaking to the effect that he/she will resign from the parent department/office in the event of his/her selection and appointment to the post applied for may be taken from his/her at the time of forwarding the application. This procedure is to be followed even in case of a temporary employees applying as a direct recruit for a post in the same organization.
- (d) In case of permanent employees, their lien may be retained in the parent department/office for a period of two years in case of the new post being in the Central/State Government. They should either revert to the parent department/office within that period or resign from the parent department/office at the end of that period. An undertaking to abide by these conditions may be taken from them, at the time of forwarding the applications to other departments/office. In exceptional cases where it would take some time for the other department/office to confirm such employees due to the delay in converting temporary posts into permanent ones, or due to some other administrative reasons, the permanent employees may be permitted to retain

their 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 permanent employees by the parent department.

- (e) Permanent employees on their being selected for appointment in an autonomous Body/CPSE will have to resign before they are permitted to join the new organization. In their case no lien shall be retained and they will be governed by the orders issued by Department of Pensions & Pensioners Welfare regulating mobility of personnel between Central Government and Autonomous Bodies/CPSEs etc.

(Ref. OM No.60/37/63-Ests(A) dated 14.07.1967; Om No.8/4/70-Ests (C) dated 06.06.1974; OM No.28016/5/85-Estt (C) dated 31.01.1986)

7. Salary / emoluments / allowances etc.

The concerned employee of ICMR, who is proceeding on outside ICMR employment, either on deputation or direct recruitment, shall decide and negotiate his salary, emoluments, allowances, contributions etc, as per the terms and conditions of the borrowing organization.

8. Leave salary and Pension contributions.

The payment of the required Leave salary and Pension contributions, as per the prescribed rates of ICMR / Government of India, shall be, either borne by the borrowing organization or the concerned ICMR employee, proceeding on deputation or outside employment.

9. Transfer allowances

The employee concerned of ICMR, shall claim the transfer allowances, from the borrowing department, while joining and on repatriation. ICMR shall not bear any cost on such transfer allowances.

10. Resignation or voluntary retirement, during deputation period

The request for resignation or voluntary retirement of the employee concerned of ICMR, during the period of deputation outside the ICMR, shall be decided on case to case basis, on merits and subject to the relevant rules of Government of India, in this matter.

Note: The terms and conditions, as laid down in the Government of India Instructions on Deputation, not specifically mentioned in the above guidelines, shall have the same meaning and application, as far as the sanctioning of the Deputation.

11. Interpretation

Where any doubt arises, as to the interpretation of any of the provisions of these guidelines, the matter shall be referred to the DG, ICMR, whose decision shall be final.

12. Power to relax

Where the DG, ICMR is of the opinion that it is necessary or expedient to do so, it may, by order and for reasons to be recorded in writing, relax any of the provisions of the guidelines, with reference to any class or category of person, with the concurrence of EC and GC.

(OM No.4/15/88-P&PW(D) dated 13.11.1991)

Date of effect: These Guidelines will take effect with immediate effect and shall be applicable to all employees of ICMR Hqrs and its Institutes/Centres.



(Jagdish Rajesh)

Assistant Director General (Admn.)

To

All ICMR Institutes / Centres

Copy to (for similar action):-

1. PS to DG / Sr. DDG(A)/Sr. FA
2. Head of Technical Divisions
3. ADGs
4. All Sr. AO / Sr. ACO
5. ICMR website.

INDIAN COUNCIL OF MEDICAL RESEARCH, NEW DELHI

APPLICATION FOR DEPUTATION ON FOREIGN SERVICE TERMS

1.	Name of the Officer (in Block Letters)	
2.	Address in Block Letters Including Contact number	
3.	Name of the Institute	
4.	Present Designation of the employee	
5.	Pay Level & Pay	
6.	Date of Birth	
7.	Date of Retirement	
8.	Present assignment at the Institute	
9.	Name of Organization to which deputation is sought	
10.	Designation/Post on deputation	
11.	Pay Level	
12.	Initial period of deputation sought	
13.	Proposed date of proceeding on deputation	
14.	Whether submitted the self Annual Immovable Property Returns regularly	
15.	Whether submitted the self Annual Performance Appraisal Report regularly	
16.	Does the officer submitted all the Annual Performance Appraisal Report of his/her staff working/worked under him/her	
17.	Any other relevant information.	

Signature of Officer _____

Name of Officer _____

Certificate to be furnished by the Institute/Forwarding Authority

1.	Efforts made to select a suitable replacement for the Officer	
2.	How his/her absence shall be compensated in the Institute to carry out the obligations uninterruptedly	
3.	What is the specific public interest involved in the proposed deputation	
4.	Disciplinary/Vigilance clearance against him/her.	
5.	His/her integrity is beyond doubt.	
6.	Major/minor penalties imposed on him/her during the last 10 years. List of major/minor penalties imposed, if any, on him/her during the last 10 years is enclosed.	
7.	Certify that the data provided above are correct, as per officials records	

Signature of the Director of the Instt.

Dated: _____

Place: _____