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नीति एवं समन्वय (कार्मिक)
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CIRCULAR No. 22/2024

Sub: Forwarding of applications of DDA's employees for outside appointment – guidelines reg.

In supersession of this office Circular No. 83/2023 dated 21.08.2023 and other instructions/orders, following consolidated guidelines are being circulated for the information and compliance by all concerned. These guidelines are based on the DoP&T's OM No. 1669271204071 dated 24.11.2022 with necessary changes.

A. GENERAL GUIDELINES

- a) All applications should bear the recommendations of the concerned Head of Office (Director or equivalent level officer). The employees, who had applied for posts before joining DDA, should give intimation with complete details of such applications at the time of joining the post.
- b) These guidelines relate to forwarding of applications of DDA's employees as direct recruit for posts within the Central Government, State Governments, Autonomous/ Statutory Bodies, CPSEs etc. 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 forwarded. It is added for information that where for good and sufficient reasons an application is withheld no infringement of any Constitutional right is involved.
- c) The Head of Office (Director or equivalent level officer), while forwarding the application with recommendations, should interpret the term 'public interest' strictly and subject to that consideration, the forwarding of applications should be the rule rather than an exception. Ordinarily, every employee (whether scientific and technical or non-scientific and non-technical personnel) should be

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permitted to apply for an outside post even though he/she may be holding a permanent post. 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 posts.

- d) As far as forwarding of applications is concerned, no distinction shall be made between applications made for posts under the Central Government, State Governments, Autonomous Bodies, PSUs owned wholly or partly by the Central or a State Government, and quasi-government organisations.
- e) The requests of DDA's employee seeking prior permission should reach the office of Dy. Director of the concerned Personnel Branch preferably before applying for the post but in no case later than 7 days after applying for the post. The consequences of delayed submission of applications will be attributable to the concerned employee. It would, therefore, be in their own interest to submit the request for grant of permissions sufficiently in advance.
- f) In case of applications for posts advertised by UPSC/SSC, the concerned employee should submit the intimation in the prescribed manner to the office of Dy. Director of the concerned Personnel Branch latest by the last date of receipt of such applications fixed by UPSC/SSC. If the employee has filed the application on the last date of filing applications, he would submit the intimation in prescribed manner within 03 days of such last date. The consequences of delayed submission of applications will be attributable to the concerned employee.

B. GENERAL PRINCIPLES FOR DEALING WITH SUCH APPLICATIONS

The general principles to be observed in dealing with such applications are as under:

- a) **Applications from purely temporary DDA's employees** - Applications from such DDA's employees should be readily forwarded unless there are compelling grounds of public interest for withholding them.
- b) **Applications from permanent DDA's employees who have successfully completed the probation and have been confirmed** – Both permanent non-scientific and non-technical employees as well as permanent scientific and technical employees could be given four opportunities in a year to apply for outside posts, except where withholding of any application is considered by the



competent authority to be justified in the public interest. A permanent DDA's employee cannot justly complain of hardship or harsh treatment if his application for any other post or employment is withheld.

- c) **Applications of DDA's employees who have been given some technical training at DDA expenses after commencement of service** - Such employees of DDA cannot justifiably complain of hardship if he 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.
- d) **Applications of DDA's employees belonging to Scheduled Castes and Scheduled Tribes, other than 'scientific and technical' personnel** — Regarding applications for employment of temporary or permanent DDA's employees belonging to Scheduled Castes and Scheduled Tribes, the extant orders and instructions of Government of India in this regard will be followed.
- e) **Application of DDA's employees for employment in private business and industrial firm, etc.** – Where a DDA's employee (including a temporary DDA's employee) seeks permission, to apply for such employment, he should submit his resignation or notice of retirement, as the case may be, before applying for private employment. He cannot complain of hardship if his application is withheld. While a person remains in DDA service, DDA can legitimately refuse to surrender its claim on his services in favour of a private employer.

C. PROCEDURE TO BE FOLLOWED IN THE CASE OF THOSE WHO APPLY FOR POSTS IN DDA/ OTHER CENTRAL GOVERNMENT DEPARTMENTS/ STATE GOVERNMENT/AUTONOMOUS BODY/ CENTRAL PUBLIC SECTOR ENTERPRISES ETC.

- a) Applications from DDA's servants for employment elsewhere, submitted otherwise than in response to advertisement or circulars inviting applications, should not be forwarded.
- b) The applications may be forwarded in accordance with the general principles given in preceding paragraphs, irrespective of whether the post applied for in the other department/office is permanent or temporary.
- c) As for temporary DDA's servants they should, as a matter of rule, be asked to resign from DDA at the time of their release. An undertaking to the effect that he/she will resign from the DDA in the event of his/her selection and appointment to the post applied for may be taken from his/her at the time of

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forwarding the application. This procedure is to be followed even in case of a temporary DDA's employee applying as a direct recruit for a post in the same organisation.

- d) In the case of permanent DDA's employee, their lien may be retained 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 Government servants due to the delay in converting temporary posts into permanent ones, or due to some other administrative reasons, the permanent Government servants may be permitted to retain their lien in DDA for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the permanent DDA employee by the Personnel Department of DDA.
- e) Permanent DDA's servants 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.
- f) The Terms of the bond need not be enforced in the cases of those who apply for appointment elsewhere, other than private employment, through proper channel. However, the obligations under the bond would be carried forward to the new employment. However, in case the new employer refuses to accept the transfer of bond, such DDA's employee will be relieved only after realization of bond amount as calculated by Finance Wing of DDA.
- g) The DDA's employee on their selection in private firm/Autonomous Body/CPSE will also have to make the payment of bond amount as calculated by Finance Wing of DDA before their release.

D. POSTS ADVERTISED BY UNION PUBLIC SERVICE COMMISSION (UPSC)/ STAFF SELECTION COMMISSION (SSC)

- a) Where DDA's employee apply directly to UPSC/SSC as in the case of direct recruit, they must immediately inform the concerned Personnel Branch through Head of their Office giving details of the examination/post for which they have applied, requesting to communicate permission to the Commission directly. If,



however, the Head of the Office/competent authority in Personnel Department considers it necessary to withhold the requisite permission, he should inform the Commission accordingly within thirty days of the date of closing for receipt of applications. In case any situation mentioned in Para 'E' below is existing, the requisite permission should not be granted and UPSC/SSC should be immediately informed of this fact as also the nature of allegations against the DDA's employee. It should also be made clear that in the event of actual selection of DDA's employee, he would not be relieved for taking up the appointment, if the charge-sheet/prosecution sanction is issued or a charge-sheet is filed in a court for criminal prosecution, or if the concerned DDA's employee is placed under suspension.

- b) Once an application has been forwarded through proper channel, or permission to apply online has been granted to an employee, it shall usually be mandatory that the DDA employee concerned be released to take up the new appointment in the event of his/ her selection. However, where subsequent to the forwarding of the application or grant of permission to apply online, but before selection if exceptional circumstances arise in which it is not possible to release the employee, the fact should be communicated to the Commission as well as to the employee. The decision of the Competent Authority not to release the employee and as regards the circumstance being exceptional shall be final and binding on the concerned DDA's employee.

E. CIRCUMSTANCES IN WHICH APPLICATION SHOULD NOT BE FORWARDED

Application of a DDA's employee for appointment, whether by direct recruitment, transfer on deputation or transfer, to any other post should not be considered/ forwarded, if:

- a) (i) he/she is under suspension; or
(ii) disciplinary proceedings are pending against him and a charge sheet has been issued; or
(iii) sanction for prosecution, where necessary has been accorded by the competent authority; or
(iv) where a prosecution sanction is not necessary, a charge-sheet has been filed in a Court of law against him for criminal prosecution.



(v) where he is undergoing a penalty — no application should be forwarded during the currency of such penalty.

- b) When the conduct of a DDA's employee is under investigation (by the CBI or by DDA) but the investigation has not reached the stage of issue of charge-sheet or prosecution sanction or filing of charge-sheet for criminal prosecution in a court, the application of such a DDA's employee may be forwarded together with brief comments on the nature of allegations and it should also be made clear that in the event of actual selection of the Government servant, he would not be released for taking up the appointment, if by that time any of the situations in (a) above arises.

F. POSTS ADVERTISED BY CPSES/ PSUS/ CENTRAL AUTONOMOUS BODIES

- a) Applications of DDA's employees 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 DDA before joining the Public Sector Undertakings/ Autonomous Bodies. No lien shall be retained in such cases.
- b) The relieving order will 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 DDA's employees 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.
- c) 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 may be allowed to report back to the DDA at the absolute discretion of the competent authority in DDA.



G. COMPETENT AUTHORITY

- a) The Appointing Authority as per Schedule annexed to DDA (Conduct, Disciplinary & Appeal) Regulations, 1999.

In case of any doubt with regard to interpretation of these guidelines, the decision of the next higher authority will be final and binding.

This issues with the approval of Vice-Chairman, DDA.


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Copy for strict compliance to:-

1. Directors (Pers.) – I & II
2. All Dy. Directors of Personnel Department
3. All Asst. Directors of Personnel Department

Copy for information to:-

1. All the HODs, DDA
2. OSD to VC, DDA
3. Director (Systems), to upload this Circular on DDA's website
4. PS to Pr. Commissioner (Pers.)
5. PS to Commissioner (Pers.)
6. Notice Boards

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