

GOVERNMENT OF NAGALAND
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT
(ADMINISTRATIVE REFORMS BRANCH)
NAGALAND: KOHIMA

No.AR/Gen-6/410/2023/211

Dated : Kohima, the 2nd July, 2025

OFFICE MEMORANDUM

Sub:- Procedures and Guidelines for Lien on Post and Technical Resignation

Section A.

1. Lien is defined in FR 9(13) *as the title of a Government servant to hold on regular basis, either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation: Provided that the title to hold a regular post shall be subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in that grade.*

- a) Therefore, Lien can be availed only by Government employee holding a regular sanctioned post and is confirmed in the post/service/cadre of entry or who have been promoted to a higher post declared as having completed the probation where it is prescribed.
- b) The benefit of having a lien in a post is enjoyed by all regular employees appointed against a sanctioned post. It is also available to those who have been promoted on regular basis to a higher post where no probation is prescribed under the rules, as the case may be.
- c) The benefits of right to lien will, however, be subject to the condition that the junior-most person in the cadre will be liable to be reverted to the lower post if at any time the number of persons so entitled is more than the posts available in that cadre.

2. Lien on a post: A Government servant who has acquired a lien on a post retains a lien on that post;

- a) While performing the duties of that post;
- b) While on Foreign Service, All India Service, Central Service, or holding a temporary post or officiating in another post;
- c) During joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;
- d) While on leave; and
- e) While under suspension.

A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post other than the lien acquired on last post held.

3. Retention of lien for appointment in another Central Government office/State Government

- a) Lien on a post held by a regular Government Servant appointed in another Department/Office/ Central Government, has to resign from his parent department unless he reverts to that department within a period of 3 years, or **5 years in exceptional case**. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices. Format of Undertaking is enclosed at **Annexure-I**
- b) The exceptional cases in this regard is for Government servants appointed through a Commission and when the Government servant is not confirmed in the department/office where he has joined within a period of 3 years. In such cases he may be permitted to retain the 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 employee.
- c) Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed lien period of 3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (a) and (b) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.

4. Termination of Lien

- a) A Government servant's lien on a post may in no circumstances be terminated even with his consent if it results in leaving him without a lien upon a regular sanctioned post. Unless his lien is transferred, a Government servant holding substantively a regular sanctioned post retains lien on that post. It will not be correct to deny a Government servant lien to a post he was holding substantively on the plea that he had not requested for retention of lien while submitting his Technical Resignation, or to relieve such a Government servant with a condition that no lien will be retained.
- b) Government employee's lien on a post shall stand terminated on his acquiring a lien on a regular sanctioned post (whether under the Central Government or a State Government) outside the cadre on which he is borne.

5. No lien shall be retained:

- a) where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/ cadre/ post in the Government from the date of absorption; and
- b) on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

6. Transfer of Lien: The lien of a Government servant, who is not performing the duties of the post to which the lien pertains, can be transferred to another post in the same cadre subject to the provisions of Fundamental Rule 15. (Notification No. 28020/1/96-Estt(C) dated 09.02.1998)

Section-B

- 1. Technical Resignation:** Resignation is treated as a technical formality where a Government servant has applied a No Objection Certificate (NOC) through proper channel for a post in the same or other Department, and is on selection, required to resign the previous post for administrative reasons. The resignation will be treated as technical resignation, even if the Government servant has not mentioned the word "Technical" while submitting his resignation. And benefit of past service, if otherwise admissible under rules, may be given in such cases.

Resignation in other cases including where competent authority has not allowed the Government servant to forward the application through proper channel and has not been granted NOC will not be treated as a technical resignation and benefit of past service will not be admissible. Further, no question of benefit arising out of a resignation will be treated as a technical resignation in case of post held on adhoc/contingency/contract basis except for the length of service which shall be counted for the purpose of retirement and as per the Nagaland Retirement from Public Service Act, 2009 (Second Amendment)

- 2. Benefit of technical resignation:** Benefit of technical resignation will be admissible to Government servants who have applied with NOC through proper channel. The benefit of past service is allowed in such cases subject to the fulfilment of the following conditions:

- a) The Government servant should intimate the details of such application immediately on their joining to the new Department where he is newly appointed.
- b) The Government servant at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under the Government for which he applied before joining the Government service;
- c) The authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post mentioned by the employee, his application would have been forwarded through proper channel.

3. Carry forward of Leave benefits

- a) In terms of Rule 9(2) of the CCS (Leave) Rules, 1972, technical resignation shall not result in the lapse of leave to the credit of the Government servant. The balance of unutilized Earned Leave (EL) as well as all other leaves of the kind due and admissible will be carried forward.

4. Pay Protection and eligibility of past service for reckoning of the minimum period for grant of Annual Increment:

- a) In cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay is given in terms of the provision in FR 22-B. Thus, if the pay fixed in the new post is less than his pay in the post he holds substantively, he will draw the presumptive pay of the pay he holds substantively as defined in FR-9(24).

- b) Past service rendered by such a Government servant is taken into account for reckoning of the minimum period for grant of annual increment in the new post in Government under the provisions of FR 26 read with Rule 10 of Nagaland Service (ROP) Rule, 2017.
- c) In case the Government servant re-joins his earlier post, he will be entitled to increments for the period of his absence from that post.

5. Pension:

- a) **General Provident Fund transfer:** Transfer of GPF on technical resignation would be governed by Rule 35 of the General Provident Fund (Central Services) Rules, 1960.
- b) **Applicability of Pension Scheme:** In cases where Government servants, who had originally joined government service prior to 01.01.2010, apply for posts in the same or other Departments and on selection they are to tender technical resignation, the past services are counted towards pension if the new post is in a pensionable establishment in terms of Rule 26(2) of CCS (Pension) Rules 1972. They will thus continue to be covered under the CCS (Pension) Rules, 1972 even if they join the new post after 01.01.2010.
- c) **New Pension Scheme Transfer:** In case of 'Technical Resignation' of Government servant covered under National Pension System (NPS), the balance standing to their Personal Retirement Account (PRA) along-with their PRAN will be carried forward to the new office.

6. **Seniority:** On technical resignation, seniority in the post held by the Government servant on substantive basis continues to be protected. However, in case of a Government servant deciding to re-join his substantive post, the period spent in another department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.

7. **Transfer of Service Book from parent Department to present Department.** As per P&AR O.M. No. AR-3/Gen-175/2007, Dated, 4th May, 2021, a Government servant is to maintain Service Book from the date of his first appointment to Government service and it must be kept in the custody of the Administrative Head of Department (AHOD) for the Gazetted Employees and for Non-Gazetted Employees, to be kept in the custody of the Head of Department (HOD) in which he is serving and must be transferred along with him from the previous Department to the next Department upon his joining.

8. **Need for Medical examination:** In cases where a person has already been examined by a Medical Board in respect of his previous appointment and if standard of medical examination prescribed for the new post is the same, then he need not be required to undergo a fresh examination.

9. **Verification of Character & Antecedents:** In the case of a person who was originally employed in an office of the State Government, if the period intervening between date of discharge from his previous office and the date of securing a new appointment, is less than a year, it would be sufficient if the appointing authority, before making the appointment,

satisfies itself by a reference to the office in which the candidate was previously employed that;

- a. That office have verified his character and antecedents; and
- b. His conduct while in the employment in that office did not render him unsuitable for employment under Government.
- c. If however, more than a year has lapsed after the discharge of the person from his previous office, verification should be carried out in full/afresh, in accordance with O.M No. AR-3/GEN-336/16, Dt. 13/06/ 2017.

Sd/- DR. J. ALAM, IAS


Chief Secretary to the Govt. of Nagaland

Dated : Kohima, the 2nd July, 2025

No.AR/Gen-6/410/2023

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02/7/2025

(RENBONI MOZHU)NCS

Secretary to the Govt. of Nagaland