

Sp/6.5/66.81-5.09-2008



GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

FUNDAMENTAL RULES - Lien - Amendment to FR 14 - Orders - Issued

FINANCE (FR.) DEPARTMENT

JDWA	6/5/09
PAO	13/7/09
Supdt Admn	(Signature)

G.O. Ms. No. 144

dated: 19.05.2009

ORDER:

CO-ORDM

U.I  
08/4/09

1. According to FR 12-A, a Government Servant will acquire a lien on his appointment to a substantive post and ceases to hold any lien previously acquired on any other post. Various situations have come to involve in which a Government Servant's lien on a substantive post is continued even though he is not discharging the duties of that post.

2. According to FR 13, unless the lien of a Government Servant is suspended under Rule 14, or transferred under Rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post in the circumstances specified thereunder. The Head of the Department is empowered to suspend the lien in respect of any post to which it or an authority subordinate to it can appoint. Under FR 14-A, the lien of a Government Servant cannot be terminated, if as a result of such termination will leave the Government Servant without a lien or a suspended lien upon a permanent post. FR 14-A and 14-B, confer a right to employees to retain their lien on a permanent post until the employee(s) acquire (s) lien on another permanent post.

3. According to instructions issued by the General Admn. (Services) Dept. under rule 21 of AP State and Subordinate Service Rules, a person appointed to a Government Service shall be confirmed in any service, only once during his service in the Government at the entry grade, regardless of the fact whether there is a permanent or substantive post or vacancy available in that service. Thus, a situation has been created under General Rules that it is not at all required to confer full membership to every post either on promotion or appointment by transfer, which is lacking harmony to some extent with the provisions of FRs under which lien is acquired only on substantive appointment to a post.

4. The Fundamental Rules, dealing with lien, partly display obsolescence since the time they were framed in view of changed circumstances. This is because in a majority of cases appointments are made only on temporary basis which are subsequently regularized and probation declared. In such cases, the individuals, as they are not appointed substantively, do not acquire any lien on any post at all which is not contemplated under FRs.

5. During the DPC meeting held on 30-6-2007 in Finance Department, the DPC members also observed that the lien in the parent department shall be terminated as and when such individuals get next promotions or probation is declared in the latter department so as to avoid inconvenience while preparing the panels in their parent department.

6. Also different service rules provide for appointment by transfer from other services. The persons appointed outside their regular line are continued for years together outside their regular line while retaining all their rights in the parent department after getting regularized.

lapse of the quota earmarked under the relevant service rules to the detriment of the persons in the regular line for no fault of theirs. Several departments are experiencing difficulties in drawing panels for various categories of posts as the rights of the persons outside the regular line have to be considered even after their promotions outside their regular line. In some cases, the persons outside the regular line got more than two promotions while their juniors in the regular line are facing stagnation at lower levels. This is an unfair situation conferring all benefits to few individuals while depriving the rights of others. Hence, the need to review the concept of lien in its entirety and issue a fresh set of instructions keeping in view the changed circumstances.

7. Therefore, Government after careful examination of the matter, have decided to issue amendment to FR 14.

8. Accordingly, the following notification shall be published in the extraordinary issue of the Andhra Pradesh Gazette.

#### NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following amendments to the Fundamental Rules.

#### AMENDMENTS

In the said rules, (1) under FR 14 after clause-(f), the following shall be added, namely,-

"(g) The Lien of (i) a Government employee, appointed outside the regular line from the date of his relief; (ii) a Government employee who resigned/are relieved from a post to join in a different post to which he is selected by direct recruitment, from the date of his resignation/relief from the old post; and (iii) a Government employee who is transferred from one department to another on request or otherwise by way of departmental transfers from the date of his relief shall stand automatically suspended even if it is not mentioned in such orders and such Govt. employees shall automatically acquire provisional lien in the new departments, in which they join".

2. In FR 14-A after clause-(d) the following shall be added, namely,-

"(e) The Lien of a Government employee, which was automatically suspended from the date of his relief in the parent department under clause (g) under FR-14 shall automatically get terminated in the parent department on the date on which his probation is declared in the new department or on the date on which his probation is deemed to have been declared in the new department or the date of his further promotion in the new department whichever ever is later subject to a maximum period of three (3) years".

3. In FR 14-B, the following shall be added, namely,-

"Note-I: The Lien of a Government employee, which was automatically terminated under clause (e) under FR 14-A in the parent department shall automatically be transferred to the new department from that date.

Note-II: The existing employees who are working in the departments other than parent departments shall exercise option within two (2) months from the date of issue of these orders and if no option is exercised within two (2) months the employee is deemed to have opted to continue in the other service and his lien in the parent department shall automatically be terminated. However after



"(4) months to get relief from other department and to join in parent department i.e. total six (6) months time shall be allowed".

9. These orders are available on internet and can be accessed at the address <http://www.poir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. SAMEER SHARMA  
SECRETARY TO GOVERNMENT (FP)

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All the Departments of Secretariat (10 copies each)  
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The Pay & Accounts Officer, Hyderabad.  
The Secretary to Governor, Andhra Pradesh, Hyderabad.  
All Secretaries to Government.  
The Private Secretary to the Chief Minister and Private Secretaries to all Ministers.  
All the Heads of Departments (including Collectors and District Judges).  
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The Secretary, Andhra Pradesh Public Service Commission, Hyderabad (with covering letter).  
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The Director, Government Printing Press, A.P. Hyderabad for publication in the Andhra Pradesh Gazette.  
Copy to the General Administration (Cabinet) Department.  
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// FORWARDED :: BY ORDER //

V. Lakshmi Narayana  
SECTION OFFICER,

Endt/Joun/K/Co-ord/09-10/107

16/07/2009

Copy communicated to all PPOs/APPOs of the organization for Information and further necessary Action.

  
Joint Director of V. Accounts