

F.No. A-44011/1/2018-Admn.I
Government of India
Ministry of Agriculture and Farmers Welfare
(Department of Animal Husbandry, Dairying & Fisheries)

Krishi Bhawan, New Delhi.
Dated: 22.11.2018

To

Shri Naresh Kumar Yadav
F6, DMS Colony,
Shadipur,
New Delhi-110008.

Subject:- Furnishing of information under the RTI Act, 2005 – reg.

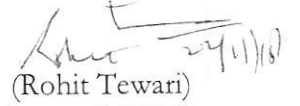
Sir,

I am to refer to your online RTI application bearing Registration No. DOAHD/R/2018/50254 dated 22.10.2018 received in this office on 30.10.2018 seeking documents under RTI Act, 2005 i.e. providing attested copy of complete noting portion under which your application dated 05.03.2018 regarding counting of past service rendered in DMS was dealt.

2. In this regard, please find enclosed attested copies of the required documents.

Encl.: As above.

Yours faithfully,



(Rohit Tewari)

Section Officer and CPIO

Copy to: RTI Section/NIC, DADF, New Delhi

(15)

This relates to counting of previous services rendered by Shri Naresh Kumar Yadav, STA(Dairy) in Delhi Milk Scheme (DMS) before joining the post of STA(Dairy) in this Department.

2. In this connection, Shri Naresh Kumar Yadav vide his letter dated 5.3.2018 (pg.130/cor.) has requested for clearance of his probation period by counting previous service render in DMS.

3. In the above context, it may be stated that Shri Naresh Kumar Yadav has joined this Department on the post of STA(Dairy) w.e.f. 19.12.2012 in the PB:2 Rs.9300-34800 with Grade Pay of Rs.4200/- on direct recruitment quota and after relieving from DMS vide their relieving order dated 18.12.2012 (pg.5/cor.). His probation period clearance was kept pending due to non-receipt of Service Book & LPC. Now, his Service Book and LPC have been received from DMS. Hence, he has requested that his probation period may be cleared by continuing previous service rendered in DMS as per LPC provided by DMS. In the above referred relieving order of DMS, it is not mentioned that Shri Naresh Kumar Yadav has tendered technical resignation from the post held by him in DMS. Hence, before taking any further action on counting of previous service and probation clearance, we may first seek following clarification from DMS on following points, as per DFA.

- i) whether he had applied for the post of STA(Dairy) through proper channel.
- ii) whether he had tendered technical resignation from the post held by him in DMS, as the same is not clear from the relieving order issued by DMS.

4. Submitted please.

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15.3.18

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21/1/18

(16)

Ref. note on pre-page (pg.15/N):-

This relates to counting of previous service rendered by Shri Naresh Kumar Yadav, STA(Dairy) in Delhi Milk Scheme (DMS) before joining the post of STA(Dairy) in this Department.

2. In this connection, in the first instance, clarification on following points were sought from DMS vide letter of even number dated 16.03.2018 (pg.131/cor.):-

- i) whether he had applied for the post of STA(Dairy) through proper channel.
- ii) whether he had tendered technical resignation from the post held by him in DMS, as the same is not clear from the relieving order issued by DMS.

3. In response, DMS, vide their letter No. A-11153-25/10-DMS dated 05.04.2018 (pg.132/cor.) have furnished following information/clarification:-

- i) As per their record, Sh. Naresh Kumar Yadav, STA, had not applied through that office for the post of STA(Dairy). Shri Yadav had explained position regarding non-submission of application through that office vide his letter dated 09.10.2012 (pg.133/cor.). Vide this letter, Shri Yadav has informed that he has filled the application for the post of STA(Dairy) before joining DMS. Hence, he could not apply through proper channel.
- ii) Shri Naresh Kumar Yadav, ex-Asstt. Manager (Gr.II) had been appointed to the post of Asstt. Manager (Grade II) in DMS on temporary basis vide their Office Order No. A-11153-25/2010 DMS dated 04.05.2011 (pg.134/cor.). He had been relieved of his duties from DMS w.e.f. 18.12.2012 vide their Office Order No. A-11153-62/2003-Estt.II dated 18.12.2012 (pg.135/cor.).

4. It is informed that Shri Naresh Kumar Yadav applied for the post of STA(Dairy) before joining DMS. His case comes under the purview of consolidated instructions issued by DOPT vide their O.M. No. 28020/1/2010-Estt.(C) dated 17.08.2016 (pg.136-141/cor.) on the subject of Technical Resignation & Lien which includes benefit of past service. Para 2.1.2 of the said O.M. states that:-

The benefit of past service is also allowed/admissible to Government servants who have applied before joining the Government service and on that account the application was not routed through proper channel subject to the fulfillment of the following conditions:-

- i) the Government servant should intimate the details of such application **immediately** on their joining;
- ii) 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;
- iii) 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.

5. DMS vide their above letter have not furnished clarification on the point of technical resignation by Shri Naresh Kumar Yadav from the post he held in DMS, which is required according to the above instructions of DOPT. It seems that he has not tendered technical resignation from his previous post held in DMS. Moreover, he has intimated DMS about his application and selection for the post of STA(Dairy) after one and a half year of joining in DMS, which was supposed to be intimated immediately on his joining in DMS, according to the above instructions of DOPT. Hence, his case does not fit for granting benefits of past service.