

Policy for retention of lien on appointments below the board level in the case of individuals selected and appointed to board level positions in the public sector. (DPE OM No.23(9)/93-GM dated 31st January, 1994)

## **CHAPTER II** **PERSONNEL POLICIES**

### **(k) Deputation/Lien**

**89. DPE/Guidelines/II(d)/3  
Policy for retention of lien on appointments below the board level in the case of individuals selected and appointed to board level positions in the public sector.**

The undersigned is directed to say that the question of retention of lien on posts below the board level in the case of individuals selected and appointed to board level positions in the public sector was considered by the Government in the background that there is no uniform policy among the PSEs in this regard. At present, the individual enterprises decide such cases in accordance with their own rules and/or specific requirements. As a result while some PSEs permit retention of lien for periods even beyond 7 years, other PSEs do not permit lien at all.

2. It has now been decided that a uniform policy should be followed by all the PSEs in regard to retention of lien of their employees when selected and appointed to board level posts in the same PSE or in any other Central PSE. Accordingly, the public sector enterprises should permit retention of lien for a period not exceeding three\* years to their employees holding posts below board level when they are appointed to posts at the board level within the same PSE or in any other Central PSE. The lien will automatically stand terminated at the conclusion of the three\* year period. This decision will have prospective effect only.

3. To ensure that all PSEs follow this policy uniformly, it is necessary that the concerned administrative Ministry/Department issues appropriate directives to PSEs under the relevant clauses of the Articles of Association or the relevant provisions of the Acts creating the statutory Corporation, as the case may be.

4. All the Administrative Ministries/Departments are, therefore, requested to issue Presidential Directives as per draft enclosed (annexure) to all the PSEs under their control

to give effect to the above mentioned policy regarding retention of lien. A copy of the directive issued may be sent to DPE.

**(DPE OM No.23(9)/93-GM dated 31st January, 1994)**

\* Amended to five years vide OM No.23/19/98/GL-014/DPE(GM) dated 13.1.1999.

#### **ANNEXURE**

#### **Draft Directive to be issued by the administrative Ministries/ Departments to the Central Public Sector Enterprises under their control regarding retention of lien.**

At present there is no uniformity among the public sector enterprises in regard to retention of lien of their employees below board level when they are selected and appointed to posts at the board level. The question of retention of lien is presently decided by the respective PSEs in accordance with their own rules and/or requirements. The Government has, therefore, considered the question whether a uniform policy should be followed by all PSEs in the matter of retention of lien on the post below the board level when an employee of the PSE is selected and appointed to a board level post in the same enterprise or in any other Central PSE and, if so, the period for which such lien should be retained.

2. In exercise of the powers conferred by Article ..... of Articles of Association of ...../Section\* .....of the ..... Act setting up ..... (name of the PSE), the President is pleased to direct that the ..... (Name of PSE) should permit retention of lien for a period not exceeding 3 years to its employees holding posts below the board level when they are appointed to posts at the board level within the same PSE or in any other Central PSE.

\* *Delete whichever is not applicable.*