

©
GOVERNMENT OF TAMIL NADU
1994



PERSONNEL AND ADMINISTRATIVE REFORMS (PER. S)
DEPARTMENT.

G.O. Ms. No. 10, dated 7th January 1994

Public Services—Transfer of Government servants from one station/post to another—Once in three years—Revised instructions—Issued.

READ—the following papers :—

1. G.O. Ms. No. 508, Public (Services) Department, dated 9th March 1970.
2. G.O. Ms. No. 704, Personnel and Administrative Reforms (Per.S) Department, dated 19th June 1978.
3. G.O. Ms. No. 288, Personnel and Administrative Reforms (Per.S) Department, dated 15th June 1990.

Order No— 10, Personnel and Administrative Reforms (Per. S) Department, dated 7th January 1994.

In the G.O.s read above, as modified/amplified subsequently, the Government have issued detailed instructions that the Government servants are generally to be transferred from one place to another only after completion of three years of service in the same station/post and that for transferring such officers from one station/post to another station/post before completing the period of three years in the same station/post, orders of Government should be obtained. Certain exemptions were, however, allowed later.

2. Some of the transfers made by the competent authorities were challenged by the aggrieved Government servants by filing Original Applications in the Tamil Nadu Administrative Tribunal. Some of the Employees' Associations have also requested for rationalising the transfer policy.

3. Considering the various aspects of the various problem, the Government have decided to lay down a new transfer policy. They accordingly direct that in supersession of earlier orders, the procedures laid down in Annexure I to this order shall be followed strictly by all transferring authorities while making transfers of Government servants in Groups A, B and C.

4. The procedures shall be followed for effecting transfers from 1st April 1994 and in subsequent years and any violation will be viewed seriously by the Government and severe disciplinary action taken against the erring officials.

(By order of the Governor)

T. V. VENKATARAMAN,
Chief Secretary to Government.

[NO. 10, PERSONNEL AND ADMINISTRATIVE REFORMS (PER S)
DBTED 7th JANUARY 1994.]

To

- All Secretaries to Government, Madras-9.
- All Departments of Secretariat, Madras-9.
- All Heads of Department including District Collectors/District Judges and District Magistrates.
- The Secretary, Tamil Nadu Public Service Commission, Madras-2 (with covering letter).
- The Registrar, High Court, Madras-104 (w.c.1.).
- The Registrar, Tamil Nadu Administrative Tribunal, Madras-6.
- The Accountant-General-I, Madras-18.
- The Accountant-General-II, Madras-18.
- The Pay and Accounts Officer (North), Madras-79.
- The Pay and Accounts Officer (South), Madras-35.
- The Pay and Accounts Officer (East), Madras-5.
- The Pay and Accounts Officer Madras-9.
- The Accountant-General (CAB), Madras-9.
- The Director of Treasuries and Accounts, Madras-35.
- All Sections in Personnel and Administrative Reforms Department, Madras-9.
- All Recognised Service Associations.
- The Finance (B.P.E.) Department, Madras-9.

(Forwarded/by Order)

A. M. JOHN BRITTO,
Section Officer.

ANNEXURE- I.

INSTRUCTIONS TO BE FOLLOWED WHILE EFFECTING TRANSFERS OF GOVERNMENT SERVANTS IN GROUP A, B AND C.

I. General Transfers to be effected during a specific period only

(i) As a general policy, all transfers due shall be effected only during the "transfer period", namely, between the 1st April and the 30th June, every year. But the transfer proposals including transfers on request to vacant posts and mutual transfers may be processed and kept ready for issue of orders towards the end of, or immediately after the close of, the financial year. In cases where orders of transfer are to be issued by the Government under normal procedure, the Heads of Department should send proposals sufficiently in advance so as to effect the transfers during the transfer period.

(ii) (a) During the "non-transfer period" namely, between the 1st July and the 31st March next, transfers necessitated on account of promotion including recruitment by transfer (which has the effect of promotion) may be ordered, *i.e.*, direct to the place where vacancy already exists. Similarly transfers, if any, necessitated by reversion may also be ordered, *i.e.*, direct to the place where the juniormost in that category is working or where vacancy already exists.

(b) Persons returning from leave or on revocation of suspension who have to be given postings shall be posted to vacant posts only, and if vacant posts are not available, they shall be posted to the place where the junior most person is working, so that the junior most person can be reverted. Such reverted person also shall be given posting following a similar procedure.

(iii) Vacancies arising during the "non-transfer period" shall be managed by making local additional charge arrangements until the next transfer period or until the post is filled up by promotion including "recruitment by transfer" or by direct recruitment, whichever is earlier (but not by transfer from equivalent category).

II. General Policy of Transfer or change of post once in three years:

(iv) During the "transfer period", persons who have already completed a service of 3 years or who would complete a service of 3 years as on 30th June next, shall be subjected to transfer to another seat or post, as the case may be subject to the condition that the transfer is to a vacant seat or post or the incumbent of the latter seat or post is also due for transfer under these instructions. Where a person has completed a service of 3 (three) years in a particular post or seat and he has no other post outside to be transferred to (as in the Secretariat), a change in the seat or post within the same office/institution shall be given. In the case of junior officials like Junior Assistants, Typists, Assistants, etc., transfer to a different station may generally be considered only if there is no other suitable post in the same station to accommodate them under these guidelines.

(v) However, the three-year-rule may be relaxed in the case of persons who are holding certain posts for specified periods as a part of the requirement of training or for similar reasons, subject to the condition that their transfers also shall be effected only during the normal transfer period. This will not apply to persons who are deputed for mere training for specified periods.

(vi) Specific orders of Government shall be obtained if transfers of the following types are considered essential; and proposals therefor shall be submitted sufficiently early for issue of orders during the transfer period:—

(a) Cases of transfers of State Service Officers who have not completed a service of one year in the same station. Specific and valid reasons for such transfers should be reported.

(b) Cases of State Service Officers who are proposed to be retained in the same post beyond the "transfer period" when transfers are normally due in their case as per these instructions. The period upto which further retention is required should be specified with valid reasons.

(c) Cases of Subordinate Service Officers who are proposed to be retained in the same seat/post station beyond 5 (five) years. The period upto which retention beyond 5 (five) years is required should be specified with valid reasons.

(d) Cases of Subordinate Service Officers who have not become due for transfer from their post as per these instructions but who are proposed to be transferred. Specific and valid reasons for such transfers should be reported.

(e) Cases of State Service Officers for whom the Head of Department has been delegated with powers to order transfer, where the officers have not become due for transfer but it is proposed to transfer them. Specific and valid reasons for such transfers should be reported.

(f) Cases of subordinate Service Officers who are proposed to be retained in the same seat/post/station beyond their normal transfer period but upto five years. Specific and valid reasons for such transfers should be reported.

The Heads of Department should ensure that the subordinate Transferring Authorities do not violate the above requirements. Any violation should be brought to the notice of the Government immediately.

III. Exceptions to the General Guideline :

(vii) These guidelines do not apply to transfers of the following types of officers/cases :—

(a) Officers of the All-India Services ;

(b) Heads of Department (non-I.A.S.) or equivalent officers ;

(c) Personal staff of the Governor, the Chief Minister and other Ministers.

(d) Government servants in Group "D" posts.

(e) Transfers within the same office provided that a person is not allowed to continue in the same seat for more than three years.

(f) In cases where severe allegations are pending enquiry, when it is considered necessary in the public interest, and sufficient in lieu of suspension, that the officer may be transferred. In that case, transfer shall be effected to a vacant post in another station or to the post where the junior most person of the same category is working.

(g) Transfers necessitated on account of any emergency or natural calamity when existing manpower in any area is not adequate to handle the situation, or surplus manpower has to be moved out.

(viii) Cases of the following types need not be submitted to Government unless required under any rules/other orders in force :—

(a) Mutual transfers.

(b) Request transfers to stations where vacant posts exist.

(c) Reposting on expiry of leave, on revocation of suspension, etc.

(d) Transfers necessitated on account of promotion/reversion of the individual concerned.

However, mutual transfers and request transfers shall also be effected only during the transfer period.

IV. Transferred Officials to be in position before close of transfer period :

(ix) It should be ensured that officials transferred during the "transfer period" are in position in the new posts on or before the 1st of July. If any official tries to evade the transfer by applying for leave, he will have to join the new station on the expiry of leave.

V. Registration of request for transfer :

(x) (a) Each transferring authority shall maintain a Register of Requests for transfer within his jurisdiction, categorywise in the format given in Annexure-II.

(b) In the case of posts/categories of posts for which the unit of transfer is within the Revenue District, the requests for transfer may be registered for each station.

(c) In the case of posts/categories of posts for which the unit of transfer is larger than the Revenue District, requests for transfer shall be registered for each zone as applicable, with reference to the area of jurisdiction of the transferring authority as follows :—

(i) Madras city.

- (ii) Places outside Madras City* but within Madras Metropolitan Area.
- (iii) Chengalpattu M.G.R. District other than Madras Metropolitan Area.
- (iv) District Headquarters of each district.
- (v) Areas in each district other than district headquarters.

(d) Requests for mutual transfers shall also be registered in the Register of Requests for transfer.

(e) Each transfer applicant/applicant for mutual transfer shall be intimated with his/her register number as in the Register of Requests for transfer.

(f) When a post has to be filled up during the transfer period either on account of the existence of vacancy or because the incumbent of the post is due for transfer in the normal course, transfer to that post/vacancy shall be effected in the following order of priority :—

- (i) Mutual transfers on requests.
- (ii) Transfer to the place where the spouse is working.
- (iii) Request transfers other than (i) above.
- (iv) Other cases.

(g) Subject to the condition that mutual transfers on request shall take precedence over other 'request transfers' as per priority indicated above, all 'request transfers' shall be considered only on the basis of the existing seniority of registration in the register of requests, as on the date of effecting transfers.

(h) However, persons who are not due for transfer in the normal course or on their own request, should not be disturbed to accommodate the requests of others.

(i) Requests for transfers or mutual transfers may be made any time, subject to other conditions. Requests should be submitted through proper channel. *But advance copies may be submitted direct to the transferring authority, on the basis of which the request shall be registered.* Requests shall be registered immediately, with reference to the date of receipt of requests by the transferring authority, on a 'first-come, first-served' basis.

(j) A maximum of 3 alternative options in regard to the station/zone as the case may be, may be registered in respect of any individual. If one request is sanctioned, the other options shall be treated as cancelled.

(k) Requests for transfer/mutual transfer shall not be registered in the following cases, and even if registered, shall be cancelled under the following circumstances :—

(i) If the applicant has not already completed or would not complete in the next transfer period a service of atleast one year in the post from which he requests for a transfer.

(ii) If the applicant has been granted a transfer/mutual transfer at his request at any time during the last two years, meaning that he can register an advance request for a transfer when his next transfer is normally due.

(iii) If the request is for transfer to native place/district, if the departmental rules prohibit such transfers to native place/district.

(iv) If a request is made for appointment to a specific post (Requests can be made only for posting to a place or a zone, as the case may be).

(v) If it is considered that it would not be desirable to post the applicant to the requested station for reasons of public interest.

(vi) If the applicant has worked in the requested station earlier and he had been punished for any irregularities while working in that station.

(vii) If the applicant makes a negative request, i.e., requesting not to post or transfer to a particular place/post/office/institution.

(l) In cases of the types mentioned in (i) to (vii) of item (k) above, the alternative requests may be registered, and if there are no sufficient alternatives, the applicant may immediately be asked to furnish the alternatives to the transferring authority.

(m) Mere registration of requests of transfer would not confer any automatic right to the transfer asked for.

M. AHMED,
Secretary to Government.

(True copy)

A. M. JOHN BRITTO,
Section Officer.

ANNEXURE II
REGISTER TO REQUESTS FOR TRANSFERS

(To be maintained separately for each category)

Serial number(which will be registration number also).	Date of receipt of application.	Name of the person requesting for transfer with designation and office in which he is now working.	Period of stay in the present post station. From To Y.M.D.	Options in regard to the station/zone as the case may be (maximum of 3 options to be given)	Reasons adduced for the transfer requested.	Number and date of communication of registration sent to the Government servant
(1)	(2)	(3)	(4)	(5)	(6)	(7)

If the request is refused please record the reasons there for and indicate the number and date of Communication sent to the Government servant
(8)

Whether the request was complied with; if so, please indicate the place to which posted and number and date of posting order.
(9)

Any other comments.
(10)

NOTE :— Mutual transfer and transfer to the place where the spouse is working should be entered in red ink.

A. M. JOHN BRITTO,
Section Officer.