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| --- | --- | --- | --- | --- | --- | --- |
| **Clause** | **Existing rule** |  |  | **Suggested changes** |  | **Remarks** |
| **1** | **PRELUDE** |  | **1.0** | **PRELUDE** |  |  |
| 1.1 | A transfer policy is required to ensure fairness and transparency in the process of transfer of officials.   The macro goal of the process of transfer will be the attainment of organizational goals which includes achieving Action Plan targets.    A local transfer policy is to be formulated in accordance with the instructions issued by the CBDT.    In respect Group C Instruction in F.No.A-22015/12/89-Ad VII dated 8th Feb. 1991 forms the basic document. |  | 1.1 | A transfer policy is required to ensure fairness and transparency in the process of transfer of officials.   The macro goal of the process of transfer will be the attainment of organizational goals which includes achieving Action Plan targets.    A local transfer policy is to be formulated in accordance with the instructions issued by the CBDT in F.No.A-22015/12/89-Ad VII dated 8th Feb. 1991 and DOPT in OM No. No.11013/10/2013-EsttA dated 02-07-2015 |  |  |
| 1.2 | The transfer policy is formulated after the draft provisions are circulated. Some were accepted and some were not accepted due to administrative needs.    Certain modifications were made in deference to views of Staff Associations and the policy is finalized by the CCIT(CCA) in accordance with JCM(RC). |  | 1.2 | To be omitted |  | This clause is not required as this guideline is not contemplated to be placed in JCM[RC] |
| 1.3 | While effecting Annual General Transfer options will be obtained from the officials meeting the following criteria which will be the zone of consideration for effecting transfers. This will be Group 'B (Non-Gazetted)', 'C' &'D' officials who will be completing 5 years of stay in a particular station as on 3oth June of relevant Financial year. |  | 1.3 | While effecting Annual General Transfer options will be compulsorily obtained from   1. the Group ‘B’ (Non-Gazetted),& ‘C’ officials who  have completed 5 years of stay in a particular station as on 30th June of relevant Financial Year; and 2. from new recruits and Inter charge transferees posted during the financial year preceding the AGT.   Such officials will be in zone of transfers even if they have not requested for any transfer. |  | Clause[b] to be read with clause 7.5 |
| 1.4 | To ensure transparency and fairness, certain additional conditions in implementing the transfer of all officials including those covered in para 1.3 are included taking the requirements of administration and employees, into consideration. This is on account of changed social rnilieu vis-a-vis time of issue of instructions referred in paragraph 1.1 and changes in legal and administrative framework over the last several year |  | 1.4 | Applications for transfer with options will also be accepted from the officials who  require transfer to another station*.* |  | Existing clause not required as the guidelines are being formulated in accordance with the very recent OM and model guidelines of the DOPT. |
|  |  |  | 1.5 | The vacancies that are likely to fall vacant up to 30th September of the relevant financial year will be considered for posting in AGT |  | New clause to be inserted. This has been the practice followed in the recent years. |
| 1.5 | Administration will attempt to issue Annual General Transfer in April of every year. |  | 1.6 | Administration shall issue Annual General Transfer in April of every year unless legally impossible. |  |  |
| **2.0** | **POLICY** |  | **2.0** | **POLICY** |  |  |
| 2.1 | This policy is on postings of public servants to whom public service is foremost.   Their  service  is  required   to  meet  administrative  requirements  and  officials  will be posted in such a manner so that this objective is met.   Coupled with this, requests for posting from officials to a place of choice will be considered at the time of Annual General Transfers and also at the time of promotion which will be decided on merits and in accordance with stipulations made in this policy. |  | 2.1 | 1. Requests for posting from officials to a place of choice will be considered at the time of Annual General Transfers and also at the time of promotion which will be decided in accordance with stipulations made in this policy. 2. In a case where a person, who has completed 2 years of stay in a station or different stations other than the station to which the official is seeking transfer, cannot be accommodated for want of vacancy, the senior most official who has put in more than 5 years of stay in that particular request station will be transferred out. 3. In other cases, applications will be considered if vacancy exists in requested station subject to condition in clause 7.6 |  | First part of the old clause is already spelt in clause 1.1. |
| 2.2 | COUNTING OF YEARS: Annual General Transfer will be effected after counting number of years in the manner determined as below            A.   Year means Financial Year.            B.   Posting for more than 9 months in a Financial Year will be counted as a   Financial Year.            C.    Where a person who has been transferred prior to 1st of July and joins a    new place of duty on or after 1st of  July and such delay is attributable to (i) official  nominated for training prior to orders of transfer or  (ii) delayed relieving of official is due to other official work for which  prior permission of CCIT(CCA) is taken, the extra time taken to join the  new post (subject to a maximum of 30 days) along with joining time shall  be treated as on duty in the new place if(A) no leave (except casual leave)   is taken during the extended period and (B) the date of relief specified in  the transfer order clashes with the period of extra duty.  D.   Year for the purpose of clause 2.6.4 and 2.7.4 will count from 1st April of  the Year in which transfer is considered. |  | 2.2 | COUNTING OF YEARS: Annual General Transfer will be effected after counting number of years in the manner determined as below   1. Year means Financial Year. 2. Posting for more than 9 months in a Financial Year will be counted as a   Financial Year. 3. Where a person who has been transferred prior to 1st of July and joins a    new place of duty on or after 1st of  July and such delay is attributable to: 4. official  nominated for training prior to orders of transfer or 5. delayed relieving of official is due to other official work for which  prior permission of CCIT(CCA) is taken;   then the extra time taken to join the  new post along with joining time reduced by any leave other than casual leave taken during the period shall  be treated as on duty in the new place.   1. If the AGT order is issued after 1st July, then the period of 9 months shall be accordingly reduced by a period from 1st July to the relieving date mentioned by CCIT[CCA]. This will also be further relaxed in accordance with conditions [i] & [ii] in sub-clause [C] above. 2. Joining period shall be treated as period on duty at the new place of posting. 3. Year for the purpose of clause 6.4 will count from 1st July of the Year in which transfer is considered. |  | Changes suggested to bring more clarity in the provisions  An official should not be penalized for delayed AGT |
| **2.3** | **POSTING ON PROMOTION AND TRANSFER.** |  | **3.0** | **POSTING ON PROMOTION AND TRANSFER.** |  |  |
| 2.3.1 | On promotion officials will normally be transferred to a new station.  However, if a vacancy in the grade/cadre, to which the person has been promoted, is available at the same station, he may be adjusted/posted against the vacancy, as far as possible, subject to administrative constraints and  exigencies of service. |  | 3.1 | On promotion to a non-gazetted post;   1. Officials who are posted at the choice station and have not completed the tenure period prescribed for the promoted post in all previously held posts together at that station will be retained, if vacancy in the grade/cadre, to which the person has been promoted, is available. If no vacancy exists, then such persons will be posted at a place nearest to their choice station where vacancies exist. 2. In other cases, if vacancies exist, the official will be considered for retention. If for administrative exigencies and constraints they have to be transferred, then such persons will be posted at a place nearest to their choice station where vacancies exist. 3. If the promoted official has only less than 6 months for super-annuation, then the official will be retained irrespective of vacancy. 4. If the promoted official is covered under clause 6.2, the official will be retained for the year. |  | In consonance with DoPT model guidelines  An agreement on this aspect was arrived in the PGRC meeting. Copy enclosed |
| 2.3.2 | Unless otherwise required, the main criteria for inter place transfer will be station seniority. |  | 3.2 | 1. The main criteria for inter place transfer will be station seniority for all officials other than those covered by clauses 6.1 to 6.4. 2. If more than one official; 3. have the exactly same station seniority; and 4. have requested to one and the same station; and 5. if all of them cannot be accommodated in the choice station due to dearth of vacancies; and 6. none of them are covered by clauses 6.1 to 6.4 and 7.3   then the eligible official[s] will be determined based on a rating system by awarding points for various criteria. |  | The model referred in clause [b] is being successfully practised in many institutions. An illustration is annexed. |
| 2.3.3 | If a person returned to the choice station before completing one year(nine months if it is before July 1) in the station where he/she has been transferred it will be treated as if no transfer  and his/her seniority in the choice station will be inclusive of the period spent outside |  | 3.3 | If a person returned to the original station before completing nine months [from the date of relieving] in the new station where he/she has been transferred, it will be treated as if no transfer has taken place. However, his/her seniority in the choice station will be exclusive of the period spent outside. This clause shall not be applicable to persons covered in clauses 6.1 to 6.4 |  | Clause 2.3.3 was not there in the original guideline. but subsequently added. |
| **2.4** | **IMPROVING WORK SKILLS** |  | **4.0** | **SENSITIVE POSTINGS & ROTATIONAL TRANSFER** |  |  |
| 2.4.1 | Effort will be made to give opportunity to officials in different areas of work, to the extent administratively feasible. |  | 4.1 | Principle of rotational transfers will be followed to the extent administratively feasible to give opportunity to officials in different areas of work. Every Official who has completed three years in same posting will be considered for rotation. No person who is in sensitive postings will be allowed to continue in excess of three years. The sensitive posts so earmarked will be:  1] All officials posted in the offices under DGIT[Inv]  2] All officials posted in vigilance, PR and Service litigations  3] All officials posted in confidential section of Pr. CCIT |  | This is as per the model guidelines of the DoPT |
| **2.5** | **TRANSFER BASED ON ADMINISTRATIVE BASIS** |  | **5.0** | **TRANSFER BASED ON ADMINISTRATIVE BASIS** |  |  |
| 2.5.1 | All conditions figuring in this transfer policy may be waived to select persons to be posted (a) in Investigation Wing on specific recommendation of DGIT(Inv.) in the rank of ITI (to be attached to ADIT/DDIT) and (b) three ITIs  (for Vigilance, Public Relations and Service Litigation work)   and two Group B (Non-Gazetted)/Group C officials (both grades put together) for Confidential Section at Headquarters of CCIT(CCA). |  |  | This clause has to be omitted |  | This particular clause is squarely contradictory to DoPT OM where it has been stated that "sensitive posts should be identified and staff working in these posts strictly rotated after every two/three years to avoid developing vested interests."  Also, this has been the most widely misused clause which fomented nepotism, sycophancy and even corruption in the Department. A detailed note on such instances is being submitted separately. |
| 2.5.2 | Transfer of a person to any other place at any time will be made on (a) administrative grounds would be made on the basis of reasoned reports or presence of prima facie valid complaints and (b) on administrative needs |  | 5.1 | Transfer of a person to any other place at any time will be made on administrative grounds stated hereunder;   1. On the basis of reasoned reports or presence of prima facie valid complaints. 2. On other administrative needs. Such need would be unambiguously stated in the transfer order. |  | Vague use of 'administrative ground' terminology often results in gross misuse and violation of the transfer guidelines eventually rendering the guidelines redundant. |
| **2.6** | **POSTING IN SPECIAL CIRCUMSTANCES AND COMPASSIONATE CASES** |  | **6.0** | **POSTING IN SPECIAL CIRCUMSTANCES AND COMPASSIONATE CASES RELAXING GENERAL CONDITIONS OF THE POLICY** |  |  |
| 2.6.1 | As far as possible husband and wife will be posted in the same station in a case where both are working.   Where both husband and wife are working in the IT Department, effort would be made to ensure that the total number of such persons would not exceed one third of the sanctioned strength in that place. |  | 6.1 | Husband and wife will be posted in the same station in a case where both are working in accordance with the provisions of DoPT OM F.NO.28034/9/2009-Estt.(A) dated 30-09-2009 |  | All the possible situations are covered in the DoPT OM |
| 2.6.2 | Those officials with children going to be in Class X and class XII in F.Y. for which Annual General Transfer is made will be retained to the place of study of child on request. |  | 6.2 | Those officials with children going to be in Class X and class XII in F.Y. for which Annual General Transfer is made will be posted to the place of study of child on request. |  | A person posted outstation also needs to be given an opportunity to come back to the place of study of his child as the intention of this clause is welfare of the child. |
| 2.6.3 | The general conditions may be waived for posting in cases of extreme hardship, being cases where the official himself or his spouse or children is suffering from serious disease/disability.    The decision as to whether a particular case deserves to be treated as one of ‘extreme hardship’, will be taken by the CCIT(CCA) for placing before Placement Committee and the decision of the Committee shall be final.    For invoking the clause, a declaration is sufficient in transfer application.    The administration will ordinarily repose faith on these declarations but in select cases may direct officials to produce documentary  evidence. |  | 6.3 | 1. Posting of physically handicapped employees will be done as per the instructions contained in DoPT OM No. AB 14017/16/2002-Estt.(RR) dated 13-3-2002. 2. Posting of employees who have differently abled dependents will be done as per DoPT OM No.42011/3/2014-Estt.(Res.) dated 17-11-2014 3. The general conditions may be waived for posting in cases of exceptional hardship, being cases where the official himself or his spouse or children of the official, is suffering from serious disease.  Only specialist medical evidence will be accepted and considered for the purposes of supporting an application for an exceptional hardship transfer.  The decision as to whether a particular case deserves to be treated as one of ‘exceptional hardship’, will be taken by the CCIT(CCA) on recommendation of a committee constituted for the purpose. Service organizations too will be afforded opportunity to present their views before the committee. |  |  |
| 2.6.4 | Efforts will be made to post officials having less than 2 years to retire to their place of choice on request at the discretion of placement committee and subject to point 2.7.4(b). |  | 6.4 | Efforts will be made to post officials having less than 2 years to retire to their place of choice on request if vacancies exist. |  | As per DoPT model guidelines |
| 2.6.5 | The provisions of clauses 2.6.1 to 2.6.4 will be subject to availability of vacancies and administrative exigencies. |  |  | to be omitted |  | Not required as these are special conditions relaxing regular provisions governed by DoPT OMs |
| 2.6.6 | Official(s), if any, who file false declaration to gain benefits of paragraphs 2.6.1 to 2.6.3 may attract attendance consequences, if detected.    These consequences will include in addition to normal provisions (a) not considering his application  for a period of five years from the end of the year in which such declarations are received by Head of Office and (b) transferring him out of the place, if orders has been passed, at the earliest available opportunity.   These will be carried out after affording the officials concerned reasonable opportunity of being heard. |  |  | Any Official who files false declaration to gain benefits of paragraphs 6.1 to 6.3 may have to face attendance consequences, including cancellation of beneficial transfer and disciplinary proceedings under CCS[CCA] Rules. |  | Disciplinary actions in case of false declarations have to be initiated as per CCS[CCA] Rules. |
| **2.7** | **OTHERS** |  | **7.0** | **OTHERS** |  |  |
| 2.7.1 | Two principal office bearers (President / Secretary/Treasurer) of recognized Association would  be retained / posted at the headquarters of Association /Federation in Kochi. |  | 7.1 | Two principal office bearers (President/ Secretary/ Treasurer) of recognized Association would  be retained / posted at the headquarters where Head of Administration is normally posted. |  | As per government guidelines |
| 2.7.2 | All transfers and posting will be made treating Mattancherry, Aluva, Kakkanad and Ernakulam as one station. |  | 7.2 | All transfers and posting will be made treating Mattancherry, Kakkanad and Ernakulam as one station.   However, officials working in Mattancherry, Kakkanad and Ernakulam will be permitted to mention their choice of place of transfer among them. |  |  |
| 2.7.3 | (a) While considering a request for transfer from Tiruvalla to Kottayam, request from a person posted at places at any station other than Tiruvalla will take precedence over the request of person working at Tiruvalla in relatively deserving cases This provision applies  vice versa also. |  |  | to be omitted |  | Kottayam and Tiruvalla are palces belonging to two different districts. This clause created a lot of difficulty as most of people posted at Thiruvalla and Kottayam does not belong to these towns but resides at interior parts of the districts. As per the agreement reached between the administration and the Association, for last three years, posting to these stations are made considering them as distinctly different station ignoring this clause. |
|  | (b)  While considering a request for transfer from Thrissur to Guruvayur, request from a person posted at places at any station other than Thrissur will take precedence over the request  of person working at Thrissur in relatively deserving cases This provision applies vice versa also. |  | 7.3 | 1. While considering a request for transfer from Ernakulam to Aluva, request from a person posted at places at any station other than Ernakulam will take precedence over the request  of person working at Ernakulam, if the length of service rendered outside Aluva is equal.  This provision applies vice versa also. 2. While considering a request for transfer from Thrissur to Guruvayur, request from a person posted at places at any station other than Thrissur will take precedence over the request  of person working at Thrissur, if the length of service rendered outside Guruvayur is equal.  This provision applies vice versa also. |  | 'Deserving cases' need clarity |
| 2.7.4 | (a) Except in proven extreme cases, officials having joined a new place on promotion or on new appointment or on inter-state transfer will not be transferred out of the place on request within 1 year.  The decision as to whether a particular case falls in the prescribed category will in this regard be taken by CCIT(CCA). |  | 7.4 | Officials having joined a new place on promotion can be transferred out of the place on request to a new place  as and when  vacancy arises there.  While doing so,  priority will be given to the specified category coming  under clause 6.1, 6.2, 6.3 & 6.4 and on the basis of the seniority of requests for transfer already available. |  |  |
|  |  |  | 7.5 | Officials having joined a new place on new appointment or on inter-state transfer can be transferred out of the place;   1. To accommodate requests of person to the station of posting that was pending at the time of appointment of new recruits/ posting of Inter charge transferees. 2. on request to a new place, if vacancy exists there and the official has completed one years' service.  While doing so,  priority will be given to the specified category coming  under clause 6.1, 6.2 & 6.3 and subject to the seniority of requests for transfer already available. |  | A decision was taken in the PGRC meeting to consider pending requests before posting new recruits/ ICT. As this is difficult, especially towards fag end of the FY, we suggest the following amendment. |
|  | (b) Officials who had applied for and obtained transfer to a particular place will not be transferred on request out of the place within two years except under clause 2.6.3 in proven  extreme cases. |  | 7.6 | Officials who had applied for and obtained transfer to a particular place will not be transferred on request out of the place within two years except under clause 6.1, 6.2 & 6.3. |  |  |
| 2.7.5 | The placement committee will post officials covered in clauses 2.6.3, 2.5.1, 2.6.4 and 2.7.1 first and thereafter decision on remaining cases will be taken. |  | 7.7 | The officials covered in clauses 6.3, 6.2, 6.4 and 6.1 will be posted first and thereafter decision on remaining cases will be taken. |  |  |
| 2.7.6 | Normally the total continuous stay of officials covered in this policy at a station, put together in all ranks, shall be 18 years for Group B (non Gazetted) officials and Income Tax lnspectors, 25 years for Group C officials and 30 years for Group D officials notwithstanding the extensions and exemptions and from transfer granted to them on personal request. |  |  | To be omitted |  | This clause was never implemented as it was not practical. |
| **3.0** | **POWER TO RELAX AND REMOVE DIFFICULTIES** |  | **8.0** | **POWER TO RELAX AND REMOVE DIFFICULTIES** |  |  |
| 3.1 | If any difficulty arises in giving effect to the provisions of this policy, the CCIT(CCA) may take such decisions  not inconsistent with the provisions of this policy as may be necessary or expedient for removal of the difficulty. |  | 8.1 | If any difficulty arises in giving effect to the provisions of this policy, the CCIT(CCA) may take such decisions  not inconsistent with the provisions of this policy as may be necessary or expedient for removal of the difficulty after giving an opportunity to the service associations to present their views. |  |  |
| 3.2 | Such decisions as spelt in paragraph 3.1 shall include (a) one where there is conflict amongst different provisions in the policy while considering a specific case, he may take a decision invoking one of the provisions, (b) rectification of mistakes and (c) to effect marginal relaxations.   The decision of CCIT(CCA) in this regard shall be final. |  |  | To be omitted |  |  |

Illustration for clause 3.2[b]

Say Mr. X and Mrs. M requests tranfer to Y city. X is posted further away from city Y. Both has an outstation seniority of 1 year 9 months and 6 days. only one vacancy is available at Y city.

One point each can be awarded to various criteria. For Illustrative purposes we are considering the following criteria:

Gender, age, distance at which official is posted from request station, spouse not employed, marital status, Children below the age of 12, total outstation service in the career etc.

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| **Criteria** | **Points** | | **Remarks** |
| **Mr. X** | **Mrs. M** |
| Gender |  | 1 | One point awarded to woman |
| age | 1 |  | One point awarded to older person |
| Marital status | 1 | 1 | One point awarded to married person |
| spouse employed | 1 |  | One point awarded to spouse not employed as maintaining two establishment will be more difficult |
| Children below the age of 12 |  | 1 | One point awarded to look after little children |
| Distance at which official is posted from request station | 1 |  | One point awarded to distance |
| Total out station tenure | 1 |  | One point awarded to outstation tenure |
| Total | **5** | **3** |  |

In this case Mr. X will be eligible for transfer. If the points are equal, certain criteria like gender or total outstation tenure can be given weightage.