

No.14020/05/2008-UTS-II (Vol. II)
Government of India
Ministry of Home Affairs

* * * * *

North Block, New Delhi-110 001.

Dated, the 29th Nov., 2016.

To

1. **The Chief Secretary,**
Government of NCT of Delhi.
2. **The Chief Secretary,**
Andaman & Nicobar Islands Administration
3. **The Administrator,**
Daman & Diu Administration.
4. **The Administrator,**
Dadra & Nagar Haveli Administration.
5. **The Administrator,**
Lakshadweep Administration.

Sub: Revised Guidelines for transfer/posting of DANICS/DANIPS officers- reg.

Sir,

Keeping in view the various court cases filed by many DANICS officers against their transfer orders, the past experiences and lacunae/distortions observed; certain modifications have been made in the guidelines for transfer/posting of DANICS/DANIPS officers issued on 27th August, 2015; a revised set of guidelines for transfer/posting of DANICS/DANIPS has been prepared with approval of the Competent Authority i.e. Hon'ble Union Home Minister, copy of which is enclosed.

2. It is requested that the revised guidelines for transfer/posting of DANICS/DANIPS officers, which will come into force with immediate effect, may be circulated among the cadre officers.

Yours faithfully,

Encl.: as above



{ Hitlar Singh }

Under Secretary to the Govt. of India

Tel.2309-3599

Copy to: ✓ SO (IT), MHA- with a request to upload the order in the website of the Ministry at appropriate place.

अनुसूचित सचिव जारी किया
ISSUED WITH ENCLOSEURE
दिनांक: 30/11/16
Date: 30/11/16
Signature: [Handwritten Signature]

REVISED GUIDELINES FOR TRANSFER/POSTING OF
DANICS/DANIPS OFFICERS

The Delhi, Andaman & Nicobar, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Civil) Services (DANICS) and Delhi, Andaman & Nicobar, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Police) Services (DANIPS) provide officers to administer the Civil and Police Administration, respectively, of the Union Territory segments, i.e. Delhi, Andaman & Nicobar, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (to be categorized 'hereinafter' as Delhi and the outlying segments comprising the remaining UT segments). DANICS and DANIPS officers are liable to be transferred from one Union Territory to the other.

2. It has to be ensured that no constituent segment services by the Cadre remains starved of the Cadre officers and that onus to serve in the constituents outside Delhi and also in Delhi is shared among the officers equitably. In the interest of cadre management and transparency in transfer/posting of the DANICS/DANIPS officers, following guidelines for transfer/posting of DANICS/DANIPS officers are framed:

(i) The tenure of the DANICS/DANIPS officers in the 'outlying segments' will be as follows:

"Direct recruit officers are required to serve in the outlying segments in two spells –the first spell will be of minimum 2 years in Andaman & Nicobar/ Lakshadweep or minimum 3 years in Daman & Diu/Dadra Nagar Haveli and the second spell will be of minimum 3 years in Daman & Diu/Dadra & Nagar Haveli or minimum 2 years in Andaman & Nicobar/ Lakshadweep.

Promotee DANICS/DANIPS officers will have to serve in one of the outlying segments for minimum 2 years in Andaman & Nicobar/ Lakshadweep or minimum 3 years in Daman & Diu/Dadra & Nagar Haveli.

However, the number of stints and duration in outlying segments may vary subject to availability of suitable officers.

Provided that if an officer, posted in outlying segments is transferred to Delhi on his/her own request or otherwise and he/she have not completed his/her minimum required tenure, he may be posted again in any outlying segment to complete his remaining period of that tenure."

(ii) The following periods will be excluded from the calculation of tenure spent in outlying segments:

(a) Period spent on long leave (beyond 30 days in a year), including study leave.

(b) Period spent on a training course of duration longer than six weeks.

(c) Duration of posting as Deputy Resident Commissioner etc. or any administrative duty of the outlying UT administration based in Delhi for a period of 15 days or more and/or 50% of the period holding Additional Charge of Deputy Resident Commissioner etc. Posting as only Resident Commissioner / Addl. Resident Commissioner / Deputy Resident Commissioner etc. will not be counted towards the period of outside posting as well.

(iii) The transfer and posting of DANICS/DANIPS officer would be decided with the approval of the Joint Secretary (UT), MHA.

(iv) There shall be a common seniority list (Grade-wise). Officers, normally, will be posted to the outlying segments on the basis of seniority; however, their earlier posting shall be taken into account.

(v) In case, officer is transferred on his/her request for any reasons prematurely from outlying segment and posted back to Delhi before completing the prescribed minimum tenure, he/she shall complete the remaining period later on.

If the request of any officer to defer his/her first outlying posting for one reason or the other is accepted, it will have no consequential effect on his second outlying posting. The second outlying posting will be ordered in accordance with the seniority list. The second outlying posting of such officer, which will come on the basis of the seniority list, will not be deferred/cancelled on the ground that the period of posting in Delhi between two postings is less as compared to the other officers. Further, any officer, whose request for deferment of outlying posting is

considered, for one reason or the other, will be debarred from getting promotion or going on deputation/training etc. till he/she joins in outlying segment in compliance of the order of the Ministry.

Further, if any officer does not serve in outlying segments for the specified period in Entry/Selection Grade, he/she shall be declared 'unfit' for promotion to JAG-II level.

(vi) *Delhi, Daman & Diu and Dadra & Nagar Haveli will be considered as soft areas, while Andaman & Nicobar and Lakshadweep shall be considered as hard areas. If an officer serves in Daman & Diu and/or Dadra & Nagar Haveli during his first tenure, he/she will be posted in Andaman & Nicobar and/or Lakshadweep during his/her second outlying posting, and vice versa.*

(vii) Primary consideration for inter-constituent transfer would be to ensure availability of the officers in outlying constituents in adequate numbers.

(viii) Due weightage shall be given to an officer, if he/she has completed his requisite tenure i.e. 3 years in Daman & Diu/Dadra & Nagar Haveli or minimum 2 years in Andaman & Nicobar/ Lakshadweep and whose children are studying in 12th class, for stay in Delhi or other place of his posting. For this propose, every officer will notify MHA at the beginning of academic session that his/her child has entered 12th class so that MHA gets the opportunity to take due note of the fact before taking a decision regarding post of the officer. However, such officer should also submit an undertaking in writing that he/she is willing to be relocated outside the segment on transfer after his/her child has completed 12th Class. In order to ensure availability of officers and to fairly distribute the onus of serving in the outlying segment, the continuance in Delhi / any segment on the ground that child is studying in 12th Standard may be subject to availability of officers in outlying segments.

The above benefit will be given only till the Academic year and during that period; the transfer order will be kept in abeyance. Further, this cannot be claimed as right for welfare.

As officers are aware of the requirements of posting outside Delhi, and know when their children will be in class X or class XII, they should plan accordingly, and seek posting outside Delhi before their children reach class X. Any such request for posting outside Delhi, that enables an officer to return to Delhi by the time his / her child / children reach class X / XII will be considered on

priority. Consequently, if an officer has not served his / her tenures outside Delhi when the child is in these classes, he / she shall not be entitled to exception on grounds if his children being in class 'X' or 'XII'. Only in exceptional circumstances, when there has been good and enough reason for not doing an outside posting earlier, can an exception be made for officers whose children are studying in 12th class. In no circumstances can an exception be made for officers whose children are studying in class 'X' or 'XII'.

(ix) The officers whose retirement is due within one year may not, normally, be posted in the outlying segments. However, at the request of the officer, his/her transfer / retention at an outlying constituent may be permitted even on the verge of retirement. It is further clarified that this stipulation will not be applicable to those officers, who resort to delaying tactics on one account or the other to avoid getting posted to outlying segments.

(x) The officer willing to be posted or continued in outlying segment, may make a representation in that regard and the same would be considered and they may be allowed to do so subject to availability/requirement of officers.

(xi) Husband and wife may, subject to availability of posts, be posted in the same constituent in accordance with the extant instructions of the Govt. of India

(xii) The officer would be relieved to join a segment on transfer within 15 days from the effective date of transfer. On non-compliance, orders persist, and he/she would be deemed 'stand relieved', his/her salary stopped, issued 'displeasure' with the approval of competent authority and debarred from getting promotion or going on deputation. The onus of joining a segment will lie on the officer.

(xiii) Medical certificate, furnished by an officer in order to seek his transfer or cancellation of transfer on medical ground would be placed in his ACR dossier and a note to that effect will be made in the column relating to State of health in the ACR of the relevant period.

(xiv) Transfer orders once issued after due consideration will be strictly enforced. Disciplinary action may be initiated against those officers who bring extraneous pressures for cancellation of the transfer orders. Moreover, in each case, a record shall be kept in the ACR dossier of the officer concerned to this effect.

(xv) Notwithstanding anything contained in the policy, Ministry of Home Affairs has the absolute right, if necessary, to transfer or post any officer to any constituent at any time on administrative grounds / in public interest.

(xvi) The policy shall come into effect from the date of issue. The policy is being issued in order to facilitate the cadre officers and to provide better management. However, the Ministry reserves its right to change any provision of this policy at any time for any reason to be recorded in writing with approval of the competent authority.
