

GUIDELINES FOR TRANSFER / POSTING OF IAS/IPS OFFICERS OF JOINT AGMU CADRE - 2010

The AGMU Cadre of IAS/IPS, earlier known as the UT Cadre, caters to the needs of four units, viz., the three States of Arunachal Pradesh, Mizoram & Goa, and Union Territories viz., A&N Islands; Chandigarh; Daman & Diu and Dadra & Nagar Haveli; Delhi; Lakshadweep and Puducherry. The constituent units are far flung, geographically dispersed and sharply differ from each other, climatically, culturally, linguistically and administratively. There is a great amount of diversity amongst the constituents in terms of location, connectivity and educational/medical facilities etc. This has implications for the cadre management of IAS/IPS officers, especially, their transfer/postings and, therefore, requires careful and objective handling.

2. Guidelines to govern the transfer/postings of IAS/IPS officers were drawn up in June, 1990 and subsequently amended in 1992 in order to ensure that:

- (i) Cadre officers serve hard areas at their turn and get the required experience in serving in different constituent units of the cadre;
- (ii) The tendency of some officers to stick to Delhi for years together by bringing extraneous pressures is checked and curbed; and
- (iii) Each constituent unit is able to avail of the services of officers with varying seniority, experience and expertise in various fields of administration, suited to the needs of the unit.

JCA decisions

3 (i) Originally, States and UTs serviced by the Cadre were classified into 3 categories, viz. 'A', 'B' and 'C' as indicated below :

A – Delhi

B – Soft Areas – Goa and UTs of Chandigarh and Puducherry.

C – Hard Areas – Arunachal Pradesh, Mizoram and UTs of Andaman and Nicobar Islands, Daman & Diu & Dadra and Nagar Haveli and Lakshadweep

Delhi and its equivalent

(ii) At the meeting held on 6th June, 1994 JCA approved that the following periods will be excluded from the calculation spent outside Delhi segment:

- (a) Period spent on long leave, including study leave during a posting outside Delhi.
- (b) Period spent on a training course of duration longer than six weeks.
- (c) Period spent at a station outside the cadre.

(iii) JCA also approved that the tenure of the Supertime Scale officers posted in the outlying territories should be three years instead of two years. The JCA stressed the need to implement the disincentives laid down in the existing guidelines in letter and spirit.

(iv) No further changes to the transfer and posting policy were made by JCA. However, in 2008, the UT of Daman & Diu and Dadra & Nagar Haveli was declared as 'soft area' and shifted from 'C' to 'B' category.

Need to revise policy guidelines

4. Despite the policy, the following trends have been observed:

- Movement of some officers from Delhi/ soft areas to hard areas tended to remain unimplemented and in the case of most officers implemented after a considerable lapse of time.
- This, inter alia, affected legitimate movement of officers from hard areas to Delhi on completion of their tenure
- Paradoxically, transfer orders of officers to Delhi, especially those promoted to IAS/IPS belonging to home segment viz. Arunachal Pradesh and Mizoram, tended to remain unimplemented or implemented after a considerable lapse of time.

Based on the experience of operation of these guidelines and the lacunae/distortions observed, it is proposed to revise the guidelines. The revision is to ensure that no unit serviced by the Cadre remains starved of Cadre officers and that onus to serve in the constituents outside Delhi and also in both 'hard' area and 'soft' area is shared among the officers equitably.

Recent developments- Cadre review of IAS

5(i) Further, consequent upon the notification of Cadre Review of IAS in 2010, the increase in the Cadre strength of the constituents has also necessitated the review of existing guidelines for transfer/posting. As against 23 Cadre posts of IAS in senior scale in Delhi / Chandigarh, there are 26 posts in category 'B' areas and 61 in category 'C' areas. If we add Central deputation reserve posts against Delhi / Chandigarh, the strength of posts in Delhi / Chandigarh may go up to 67. Thus, more than 50% posts in senior time scale are outside Delhi / Chandigarh. It, therefore, means that an IAS officer in senior scale would be required to spend about 60% of his/her senior scale tenure outside Delhi / Chandigarh. An IAS officer remains in senior scale roughly for 14 years before he gets supertime scale in the Cadre.

(ii) Similarly, as against 42 Cadre posts of IAS in super-time scale and above in Delhi / Chandigarh, there are 10 posts in category 'B' areas and 21 posts in category 'C' areas. If we add Central deputation reserve posts against Delhi, the strength of posts in Delhi / Chandigarh may go up to 71. In that case, an officer in super-time scale and above would be required to spend about 1/3rd of his tenure in super-time and above outside Delhi / Chandigarh (ratio of posts being 71 for Delhi against 31 outside). An IAS officer remains in super-time scale and above roughly for 19 years.

Cadre review of IPS

6(i) Consequent upon the Cadre Review of IPS, the increase in the Cadre strength, particularly in the outlying units, has also necessitated the review of existing guidelines for transfer/posting. As against 53 Cadre posts of IPS in DIGP & below in Delhi / Chandigarh, there are 14 posts in category 'B' areas and 49 posts in category 'C' areas. If we add Central deputation reserve posts against Delhi / Chandigarh, the strength of posts in Delhi / Chandigarh may go up to 99. Thus, more than 50% posts in DIGP grade and below are in Delhi / Chandigarh. It, therefore, means that an IPS officer in DIGP grade & below would be required to spend less than 50% of his/her DIGP and below grade

tenure outside Delhi / Chandigarh. An IPS officer remains in DIGP grade and below roughly for 16 years before he gets IGP grade in the Cadre.

(ii) Similarly, as against 33 Cadre posts of IPS in IGP level & above in Delhi / Chandigarh, there are 3 posts in category 'B' areas and 8 posts in category 'C' areas. If we add Central deputation reserve posts against Delhi / Chandigarh, the strength of Delhi / Chandigarh may go up to 50. In that case the officer in IGP grade and above would be required to spend about 1/4th his tenure outside Delhi / Chandigarh (ratio of posts being 50 for Delhi against 11 outside). An IPS officer remains in IGP grade and above roughly for 17 years.

7. In the light of the above, the projected basis of tenure of IAS/IPS officers in Delhi / Chandigarh, Category B and Category C areas has been worked out. If the normal expected period that IAS/IPS officer serves in the senior-scale (13 to 14 years) and in Super-time scale and above (approx. 19 years) is divided among the 3 categories of administrative units roughly in the proportion to the number of posts, the picture that emerges is as given below.

IAS Officers

	A Delhi /Chd.	B DD/DNH / Goa / Puducherry	C AP / MZ / ANI / LKD	
Senior Scale Posts	23	26	61	= 110
Tenure	6 years (2 Tenures)	3 years (2 to 3 tenures)	5 years	= 14 years
Supertime Scale & above posts	42	10	21	= 73
Tenure	13 years (3 tenures including Central deputation)	2 years (3 tenures)	4 years	= 19 years

IPS officers

DIGP & below	53	14	49	= 116
Tenure	9 years (2-3 tenures)	3 years (2 tenures)	4 years	= 16 years
IGP & above	33	3	8	= 44
Tenure	13 years (3 tenures including Central deputation)	2 years (2 tenures)	2 years	= 17 years

8. While posting IAS/IPS officers to different areas, as indicated above, following factors would be kept in view:

(i) Direct recruits may have their field training depending upon the facilities for training as well as the nature of experience available there. Their first posting in junior time scale may be in the same segment in continuation of where they have taken training.

(ii) Direct recruits on promotion to senior time scale (roughly after 4 years of service) may invariably be posted to another Category 'C' or 'B' area for a tenure of 3 years in view of the table in para 7. After completion of the aforesaid period/tenure, they may be posted to Delhi /Chandigarh.

(iii) The officers of State Civil Service/State Police Service after induction/promotion to IAS/IPS will also be liable for transfer like any other IAS/IPS officer. After their promotion they would be liable to be considered for transfer to constituents outside Delhi /Chandigarh / Home State depending on requirements of other constituents.

(iv) The local officers desirous of posting outside may be considered for such postings for exposure and gaining experience.

(v) Officers at the Supertime Scale and above level would have a tenure of two years in the constituents outside Delhi / Chandigarh in view of the table in para 7.

(vi) The following periods will be excluded from the calculation of tenure spent outside Delhi segment:

(a) Period spent on long leave, including study leave during a posting outside Delhi.

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

9. The transfer/posting Policy will be operated as follows:

(i) The transfer and postings of Chief Secretary/Administrator and the senior most police officer heading the police force in State/UT may be decided with the approval of Home Minister in consultation with Chief Ministers of States concerned. A panel of 3 names can be suggested to Chief Ministers of the States, who may convey their response with reasons thereof on the panel within a period of 15 days. After considering the response received from the Chief Minister, the MHA may issue the orders for posting of Chief Secretary / Administrator / Director General of Police. In case no response is received within a period of 15 days, the MHA may decide the matter at its own level. The transfer and posting of other officers may be decided at the level of Home Secretary, except in the case of Junior Scale officers whose transfer and posting may be decided by Joint Secretary (UT).

(ii) List of officers in each scale may be prepared on the basis of total period that they have spent in and outside Delhi in category 'B' and 'C States/UTs. Those who have done the least tenure in hard areas and most in Delhi should be transferred first to the outlying units.

(iii) Primary consideration for inter-constituent transfer is to ensure availability of the officers in outlying constituents in adequate numbers. It would be desirable to get options in senior scale and supertime scale for hard area postings so that postings could be done, inter alia, taking such preferences into consideration.

(iv) The proposals for postings/transfers may be worked out six months in advance so that decisions on transfers generally take place and are issued in the month of March/April.

(v) The officers whose retirement is due within next two years may not be posted in the outlying segments. However, at the request of the officer, his

transfer to an outlying constituent may be permitted even on the verge of retirement.

(vi) Due regard may be given to representation of an officer who has completed his /her tenure and is due for transfer but whose children are studying in 10th /12th class for stay in Delhi or other place of his posting. For this purpose, every officer will notify MHA immediately that his/her child has entered 10th/ 12th class so that MHA gets the opportunity to take due note of the fact before taking a decision regarding posting 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 10th/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 / Chandigarh / Home State on the ground that child is studying in 10th/12th Standard may be limited to those officers who have completed prescribed tenures in outlying segments.

(vii) The officer willing to be posted or continued in a constituent outside Delhi / Chandigarh / Home State, may make a representation in that regard and the same would be considered and they may be allowed to do so. However, this will be subject to the condition that he/she completes his/her onus of serving in hard area from time to time, as per policy. Further, the officer should express his/her willingness six months in advance.

(viii) 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. The cadre clearance of the spouse for Central deputation, etc. would be decided, subject to his /her having completed mandatory tenures in hard areas, as per policy.

(ix) An officer functioning as Resident Commissioner and based in Delhi for any administrative duty of the constituent Government would be treated as if he is on Delhi posting.

(x) After issue of transfer order, request for leave of any kind should be made to and would be considered only by the Government of the constituent to which he/she has been transferred.

(xi) The officer would be relieved to join a segment on transfer within 15 days from the effective date of transfer. Should non-compliance of orders persist,

he/she would be deemed 'stand relieved', his/her salary stopped, issued 'displeasure' with the approval of the competent authority and debarred from getting promotion or going on Central deputation. The onus of joining a segment will lie on the officer.

10. To enforce these guidelines, the following disincentives would also be provided:-

(i) An officer would not be considered for promotion to the pay scales above the Senior-time scale unless he/she has completed the allotted tenure as per policy.

(ii) No officer would be considered for Central deputation or foreign training course of any duration or foreign assignment or Study Leave of any kind with or without Fellowship, unless he/she has done at least 3 years in Category 'C' hard areas. For the purpose of calculation of tenure in hard areas i.e. Category 'C', only the period spent after completion of probation period including junior and senior scale in constituent segments in AGMU Cadre will be taken into account. If an officer has not done 3 years in hard area, he/she should complete it by the time he/she reaches Super time Scale / IGP Grade.

(iii) Medical certificate furnished by an officer in order to seek his transfer or cancellation of transfer on medical grounds 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.

(iv) 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.

11. Notwithstanding anything contained in this policy, Government (MHA) has the absolute right, if necessary, to transfer or post any officer to any constituent at any time on administrative grounds / in public interest.

12. The practice of placing service/posting profiles of all the IAS/IPS officers on the website and updating it on an on-going basis will be continued.

13. The JCA meetings should be held from time to time or on the request of any constituent to address the issues related to transfer and postings.

14. The Policy shall come into effect from the date of issue and the past history of postings of the officer shall be taken into account in future transfer/postings in accordance with this policy.
