

Government of India
Department of Atomic Energy
Centralised Cadre Section

Anushakti Bhavan
CSM Marg
Mumbai-400 001

No. 28/1/2017-CCS/6612

May 24, 2018

OFFICE MEMORANDUM

**Subject: Transfer Policy and procedure for appointment on promotion in respect of
DAE employees other than Scientific and Technical personnel .**

At present in the Department there are no formal guidelines or policies regarding the transfer of officers. As per the practice in vogue, unless there are some requests, problems or complaints, officials are generally not transferred or rotated. The change of place generally takes place only on promotions. This has resulted in long tenures on one side and several incidences of refusal to move out even on promotion, even though it leads to debarment from promotion as per extant instruction.

2. Pursuant to the opening up of international nuclear commerce and the launch of several initiatives in the R&D Sector, the Department has drawn up an ambitious plan for expanding its activities. Several new units/centres have been set up or are being set up pursuant to these initiatives. Though these units are quite new and have varied mandates, they require support of scientific/technical, administrative, accounts, security and other auxiliary services. As unit develops, the size of the organization grows and the scope of functions and responsibilities also get more accurately defined. In order to ensure expeditious and smooth functioning, particularly in the beginning, it is absolutely necessary that some experienced staff at various levels are brought from other units so that the units becomes operational and starts to grow. In this context it has become necessary to have a policy for transfer. Further, the Supreme Court in its judgment dated 31.10.2013 in WP(Civil) No. 82/2011 in the matter of Shri T.S.R. Subramanian & others v/s UOI & others have ordered all the Central and State governments to have a transfer policy in respect of their employees and place the policy in the public domain.

3. Further the Central Vigilance Commission (CVC) has been stressing that reshuffling of the official in accounts, purchase, administration and other cadre is desirable from the point of view of better vigilance. As regards security cadres also it is an established policy that the same officials are not continued in the same duties for long period in order to obviate development of any vested interest which could lead to breach of security. The aforementioned instruction assumes significance in the context of the emphasis of the Government on transparency and security of establishments. The transfers of officials to different assignment/units are also desirable from human resource development point of view. The variety of work enriches the experience of officials by providing exposure to variety of issues as their career progresses.

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4. Considering the above, it is felt that transfers of officials of Admn/Accounts/Security/Official Language cadres should be considered once they have completed or completing certain tenure in one assignment/place. It is important to mention that transfers fall in the domain of the executive authority of the Government. The Supreme Court and High Courts have repeatedly held that transfer and posting of officials is the prerogative of the competent authority in Government. While considering the transfer, the competent authority may consider the various aspects like officials domain knowledge, availability of alternatives, APAR reports in last/new assignments, relationship with juniors or seniors in office. health of official, date of superannuation or further promotion, etc. In other words, no specific rationale is required but transfer should not be done on malafide grounds. The ceiling on tenures mentioned above are not absolutely sacrosanct and overall guiding principle is the public interest. Accordingly, the following will be the guiding principles for the transfer of all categories of employees of Department of Atomic Energy.

5. **Rotational Transfer Policy for Admn/Accounts/Security/OL Cadres.**

5.1 The following guidelines are laid down for transfer/posting of officers (except S&T) of the Department of Atomic Energy.

5.2. All transfer/posting of Group A and B (Gazetted) officers in the Administrative/Accounts/Security/OL cadres will be decided by the Cadre Controlling Authority.

5.3. All Group A and B (Gazetted) Centralised Cadre Officers shall have a tenure of 4 years in the same Unit. If more than one unit is located in the same Station, intra-Unit transfer will be considered and ordered by DAE.

5.4. All Group B (non gazetted) and Group C posts in Admn/Accounts/Security are unit based and cannot be transferred from one unit to other since each unit is maintaining separate seniority lists. However, officers shall have a tenure of 4 years in a particular section in the concerned unit and they should be transferred to some other section in the same unit by the concerned unit.

5.5. All officials holding sensitive posts will be transferred on completion of 3 years as per the instructions issued by the Central Vigilance Commission. Such transfers will be made within the Unit, unless otherwise decided by the Competent Authority.

5.6. All officials who is to retire within 2 years, in any of the grades shall not ordinarily be transferred except on their promotion to the next higher grade.

5.7. If both husband and wife are working in the same Department, their transfers will be regulated in accordance with the guidelines issued by the Department of Personnel & Training subject to administrative convenience and availability of vacancy. However, this condition will not be applicable in case of promotion.

5.8. Transfer of Officials from one Unit/location to another on account of their promotion will be treated as fresh transfer for counting the tenure.

5.9. The powers for extending the tenure beyond the prescribed limits in exceptional circumstances, if considered desirable in respect of Group A and B cadre officers will be exercised by the Department and Head of the Units concerned in respect of Group B(non-gazetted) and Group C officials.

5.10. In case of rotational transfer, employees completing the prescribed tenure by 30th September each year should be considered for transfer. The transfer shall be effected sufficiently in advance of commencement of the academic year. However, this will not be applicable for promotion and transfers in same station.

5.11. Officials, shall be allowed to continue or move to the place of choice during the last two years of service before retirement on superannuation, subject to availability of vacancy and administrative convenience.

6. Policy regarding posting on promotion of Centralised Cadre Officers

6.1 All Centralised Cadre Officers on their promotion are presently posted outside according to availability of vacancies and their position in the panel. This procedure will continue to be followed as the Department desires that all cadre officers should have varied experience in different types of units such as R&D, Industrial and Services units.

6.2 As soon as a panel for a centralized cadre post is published, the existing vacancies available and the future vacancies if known will be intimated to all concerned. The candidates empaneled can give their choice/option of posting (limited to three options- excluding their present station). Their choice will be considered while posting subject to availability of post and their position in the panel. However, the final decision to the place of posting will be decided by the cadre controlling authority based on the requirements of service of the officer concerned and other administrative convenience.

6.3 Orders made in respect of promotions and postings should be effected immediately and in any case not later than 15 days of receipt of the order. If intimation is not received by the DAE regarding acceptance/relieving within 15 days, it will be presumed that the officer is not interested in the promotion and further action to consider the cases of junior to the concerned officer will be taken.

6.4 Officers not accepting the order of promotion will be debarred from promotion to the promoted grade or any other equivalent grade for a period of two years from the date of issue of the promotion order.

6.5 All Centralised Cadre Officers will be considered for a request transfer to the station of their preference on completion of a minimum tenure of two years either on promotion or on transfer. Period spent on deputation will not be counted for calculating residency period. The transfer application of officers on deputation will be considered only on their repatriation back to the Department.

6.6 Application for such request transfer by the officers would be registered, subject to the condition that it will be considered only on completion of two years residency period in the existing station, in respect of employees who moved out on promotion or moved out on some other reasons.

6.7 Leave period exceeding 60 days (either leave availed at a stretch or at different spells) in two years period shall be excluded for the purpose of the computation of residency period while considering the transfer requests of the employees. However Maternity leave/paternity leave would be included while computing the period of residency.

7. **Transfer and Posting of Assistants and Assistant Accountants**

7.1 The selection/posting/transfer of Assistants and Assistant Accountants are conducted centrally by DAE. Even though these posts are Group-B, non-gazetted, since they are centralized, the procedure adopted for other cadre posts will be applicable *mutatis mutandis*, for these posts also, as far as promotion/posting/transfer is concerned. However, subject to availability of vacancies and as per the panel position, the candidates selected for these posts will be posted within the same station after considering all transfer requests to that station.

8. **Posting of Deputy Secretary and Under Secretary in DAE Secretariat**

8.1 The posts of Dy. Secretary and Under Secretary in the DAE Secretariat and Branch Secretariat, New Delhi are filled up from the departmental officers by transfer on deputation basis according to the quota earmarked for these posts. The normal tenure for these posts are four years for Dy. Secretary and three years for Under Secretary, extendable by one more year with the approval of Secretary.

9. **Transfer and posting of Differently abled officers**

9.1 Transfer and posting of physically handicapped persons will be regulated on the basis of DOPT orders on the subject and on a case to case basis depending upon their problems on account of mobility.

10. **Transfer of officers on facing extreme hardship due to medical problems of self/spouse/children.**

10.1 Whereas a majority of transfer/posting cases will be covered by the above terms and conditions, a Committee consisting of the following will examine the cases requiring a transfer to a Centralised Cadre officer(including Assistants and Assistant Accountants) who is facing extreme hardship due to medical problems of self/spouse/children:

Additional Secretary/Joint Secretary(Cadre), DAE

Chief Controller of Accounts, DAE

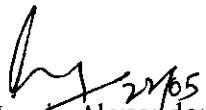
Controller, BARC

Head, Medical Division, BARC

Each Units must constitute similar Committees to consider transfer of Group B and C employees (except Assistant and Assistant Accountant) within the Unit.

11. The objectives of the transfer policy proposed in the above paras is, to provide greater mobility, inculcate initiative and to condition the officers to adopt to the changing socio-economic scenario of the country and the initiative being introduced by the Central Government for good governance from time to time through measures such as e-governance and other IT enabled solutions for ensuring better outcomes and government policies and programmes, and also to keep alive the learning capabilities of the officers as to become effective change agents.

12. Heads of units who are Appointing Authority and or Cadre Controlling Authority are requested to ensure that the above instruction are adhered to and the employees are transferred/rotated in accordance with the policy outlined above.


(S. Mervin Alexander)
Joint Secretary(A&A)

All heads of Units

All Administrative Heads of Unit.

Copy to -

1. All Officers/Sections in DAE Sectt, Mumbai/New Delhi.