

A-22011/1/2011-Ad.II
Government of India
Ministry of Corporate Affairs

New Delhi, dated the 3rd February, 2012

OFFICE MEMORANDUM

Subject: Transfer Policy for ICLS and feeder cadres dated 19.01.2012.

The undersigned is directed to circulate the transfer policy (enclosed) for ICLS officers and feeder cadres as approved by Hon'ble CAM on 19.01.2012. This supercedes all earlier instructions on the subject including the transfer policy dated 13.05.2011.

Encl: 2 pages


3/2/2012

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To

All headquarter, field, attached and autonomous offices of MCA
(where Group A/B/C officers are posted).

Transfer Policy for ICLS officers (Group A) and feeder grades

Transfer liability anywhere in India and outside

1. The ICLS officers (Group A) and subordinate cadres are liable to be posted in any of the offices or organizations of Ministry of Corporate Affairs, anywhere in India and outside.

Annual Rotational Transfers of Group 'A' ICLS officers and Group 'B' officers (where All India Seniority List is maintained).

2. The annual rotational transfers of these officers shall be on the following criteria :

Minimum tenure in an office

2.1 The **minimum tenure** in an office, both for the heads of offices and for other ICLS officers, shall be 3 years.

Normal tenure in a station

2.2 The **normal tenure** in a station for all ICLS officers shall be 10 years.

Re-posting restrictions

2.3 An ICLS officer normally may not be re-posted to same office **within 10 years from the date of his last transfer** from that office. An ICLS officer can however be posted back to same office, at higher levels, after 6 years.

Posting in Remote Areas

2.4 The normal tenure of posting in NE region, J&K and other hardship/difficult areas, as notified from time to time, by competent authority, shall be 2 years.

Variation in Postings

2.5 Every ICLS officer shall be given **variation in postings** to enrich his experience and make him suitable for higher promotions.

Transfer on Promotion

2.6 The promotion will normally entail a **change of office/station**.

Request transfers

2.7 Request transfers will be considered on grounds of --- (i) superannuation within 2 years. (ii) working spouse. (iii) serious/terminal diseases and/or extraordinary disabilities of self/family members.

Mid term transfer

2.8 Requests for mid-year transfer will be considered only in exception cases.

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Transfer policy for Group B (where all India seniority is not maintained) and Group C

3.1 These employees will not be transferred outside the region, unless they are promoted to a cadre, where **all India seniority** is maintained. In that case, the transfer will be governed by above paras.

3.2 The erstwhile Group D staff (now upgraded to MTS/Group C) shall not normally be transferred out of station unless so requested by employee or due to administrative reasons like transfer of post, etc. In case of temporary transfer, he will retain his regional seniority. In case of permanent change, he will have to loose his regional seniority.

Procedure for transfer

4.1 **Forwarding of requests, along with posting profiles, by controlling officers :** Both the category of officers --- (i) the officers seeking **request transfers** before completing minimum tenure of 3 years in an office and (ii) officers completed/completing minimum tenure of 3 years in an office -- shall submit their requests to their controlling officers. All requests for transfers, with choices of stations. from the officers of a region, shall be forwarded by the Regional Director, in the prescribed profoma to the Ministry by 28th February, without exception. In addition, for **administrative transfers**, the **posting profiles of all the ICLS officers in the region**, including those who have not submitted any request, has to be forwarded by RDs.

4.2 **Date of issue of annual transfer orders :** All such requests will be processed in the Ministry and transfer orders shall normally be issued before 31st March.

4.3 **Compliance of transfer orders :** After issue of transfer orders, the controlling officers, responsible for relieving the transferred officer, shall be responsible for its compliance. **No leave has to be sanctioned to any transferred officer, after his transfer, by his controlling officer.**

4.4 **Cut off date :** The cut off date for calculation of number of years in an office/station shall be 31st March of every year.

Delegated powers to Regional Directors

5.1 The Regional Directors are authorised to transfer Group B and Group C officers within their region, as per this policy, in a fair and just manner and keeping the sanctioned and actual strength of all the offices in their control.

5.2 The Regional Directors are also empowered to **order temporary transfers of JTS level ICLS officers for a period not exceeding 6 months** in order to cope with emergent situations arising out of unforeseen circumstances and in the interest of official work. During this 6 months, the temporarily transferred JTS officer shall continue to draw his salary from his last office, where he is permanently posted by MCA Headquarters.

Residuary jurisdiction and powers to relax

6. Ministry to retain jurisdiction in all residuary matters and also to relax any of the above provision in deserving circumstances. In administrative exigencies, the Ministry may order any transfer beyond this policy.

As
3/3/12