

S.No. 8 (D)

F.No.A.42011/123/2013-Ad.II
Government of India
Ministry of Corporate Affairs

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'A' Wing, Shastri Bhawan,
New Delhi-110001
Dated: 31.12.2013

Office Memorandum

Sub: Transfer Policy for Indian Corporate Law Service (ICLS) and feeder cadres - reg

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In continuation of the Transfer Policy for the Indian Corporate Law Service officers and feeder cadres dated 19.01.2012, and in compliance of the directions of the Hon'ble Supreme Court in Writ Petition (civil) No. 82 of 2011 dated 22.11.2013, it has been decided that there shall be two Committees for recommending the transfer of Indian Corporate Law Service officers and all other posts of Group-B where All India seniority list is maintained centrally – one for all officers up to the level of JAG grade and the other for all officers of SAG and above grades. The composition of such committees is given below: -

Transfer Committee 'A' (TC-A)

- (i) For members of ICLS in Senior Administrative Grade (SAG) and above: (where Transfers are approved by the Minister-in-Charge)
- Secretary, Ministry of Corporate Affairs - Chairman
 - Additional Secretary, MCA
 - Joint Secretary, MCA
 - Senior-most ICLS officer posted in Delhi

Transfer Committee 'B' (TC-B)

- (ii) For members of the ICLS in the Junior Administrative Grade (JAG) and below: (where transfers are approved by Secretary)
- Additional Secretary, MCA - Chairman
 - Joint Secretary, MCA
 - Joint Secretary, MCA
 - Senior-most ICLS officer

2. The recommendations of the Committees will ordinarily be accepted by the authorities competent to approve the proposals. Where the competent authority decides to depart from the recommendations, reasons for such departure will be recorded by such authority.

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3. For transfer of Group-B officers, where All-India seniority is not maintained and Group-C staff, the following committee will be constituted at the level of Regional Directorates: -

- a) JD/DD in the RD Office
- b) Senior-most Registrar of Companies (ROC) in the Region
- c) Senior-most Official Liquidator (OL) in the Region

The senior-most ICLS officer in the Committee will be the Chairman of the above Committee which will put up its recommendations to the RD concerned.

4. An officer can be transferred before completing his tenure/during mid-calendar year on disciplinary and administrative grounds. Such decision to effect such transfer can be taken by the authority competent to approve the transfers. Such transfers will be ordered only for compelling administrative reasons.



(Rakesh Kumar)

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To
All Headquarter, Field, Attached and Autonomous Offices
of MCA (where Group A/B/C officers are posted)

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S.No. 9 (C)

No. A.42011/123/2013-Ad-II
Government of India
Ministry of Corporate Affairs

New Delhi-11001, dated 1.1.2014

OFFICE MEMORANDUM

Sub: Implementation of Supreme Court's Judgement dated 31.10.2013 in WP (Civil) No. 82/2011 in the matter of Sh. T.S.R. Subramaniam & other v/s Union of India & others

The undersigned is to refer to the meeting held on 26.12.2013 in DoPT on the subject mentioned above and to enclose herewith a copy of OM of even number dated 31.12.2013 regarding composition of committee of transfer policy of Indian Corporate Law Service (ICLS) and Feeder Cadre.

✓ Encl: As above

Rakesh Kumar
(RAKESH KUMAR)

Under Secretary to the Government of India
Tel: 23383507

✓ To
Sh. J.A. Vaidyanathan
Director (Estt.)
DoPT, North Block
New Delhi

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issued
Chandrasekhar
01/01/2014