

No. A-22011/01/2009-Ad.II
Government of India
Ministry of Corporate Affairs

'A' Wing, 5th Floor,
Shastri Bhawan,
New Delhi-110001
Dated: 12th June, 2009

To

1. The Secretary, CLB, Shastri Bhawan, New Delhi.
2. The Regional Directors, Ministry of Corporate Affairs, Mumbai/Kolkata/Chennai/Noida.

Subject:- Clarifications on the Transfer Policy for ICLS and subordinate cadres.

Sir,

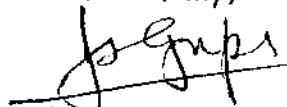
I am directed to invite a reference to this Ministry's letter of even No. dated 13.02.2009 vide which the revised Transfer Policy governing transfers and posting of the officers belonging to ICLS and subordinate cadres was circulated.

2. Instances have come to the notice of the Ministry that some of the provisions of the revised Transfer Policy have not been interpreted in its right spirit. In view of this, it has been considered necessary to issue following clarifications so that the Transfer Policy is properly interpreted as envisaged while formulating the same:-

- (a) that all the ICLS Officers and subordinate cadres are liable to be posted any where in India irrespective of the tenure of posting of an officer in an office, station or region. No officer has any claim whatsoever to a fixed tenure of posting to an office, station or region;
- (b) the normal tenure of posting of an officer in an office is three years which is extendable to five years in view of administrative exigencies. Some of the officers have not correctly interpreted this provision and have inferred that an officer can stay in an office for 5 years. It is clarified that the normal tenure in an office is 3 years and no request to allow to complete 5 years in an office will normally be entertained;

- (c) there is no claim for posting in the same station after completion of tenure of posting in an office even if there are offices of the Ministry in the same station and the posts are vacant and available commensurate with the status of the officer;
- (d) the tenure of posting in one region does not mean continuous tenure of posting in the region but it implies total tenure spent by an officer in the region in his service career which can be in different spells. It is also clarified that the maximum tenure of posting in one region shall be 10 years. Some of the officers have not correctly interpreted this provision and have inferred that an officer can stay in the region for a minimum tenure of 10 years and their Controlling Authorities have also recommended that the officers have not completed minimum tenure of 10 years in the region and they should not be transferred. It is clarified that the normal maximum tenure in one region is 10 years which need not necessarily be continuous tenure.
3. Instances have come to notice that the Controlling Authorities while forwarding representations of the officer(s) have commented/observed on the legality of the issues mentioned in the representations of the officers without obtaining legal advice on the issue. The Controlling Authorities are, therefore, advised not to comment on the legal aspects of the representations without having legal advice. The Ministry has its own legal advisor and the services of the Ministry of Law are also available to deal with the legal issues.
4. The above clarifications are issued for general guidance and be kept in view while forwarding representations of the officers.

Yours faithfully,



(J. S. Gupta)

Under Secretary to the Government of India

Tel:- 2338 9782