

A-22011/02/2019-Ad.II
Government of India
Ministry of Corporate Affairs

5th Floor, 'A'- Wing, Shastri Bhawan,
New Delhi, Dated: 07.11.2019

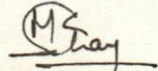
OFFICE MEMORANDUM

Sub: Revision of existing Transfer Policy of ICLS Group 'A', Group 'B' and 'C' Cadres of the Ministry- For seeking comments of stakeholders on draft policy.

The undersigned is directed to convey that transfer/ postings of Government servants holding posts of Group 'A', Group 'B' and Group 'C' cadres under this Ministry are at present being governed by the Transfer Policies issued by the Ministry from time to time.

2. With a view to revise and consolidate the existing policy, 03 separate drafts for Group 'A', Group 'B' (all India seniority) and Group 'B'/'C' (Regional seniority) have been prepared and enclosed. Comments/ suggestions/ modifications on the draft policies, if any, may be furnished to the undersigned within 02 weeks from the date of issue of the O.M. at the email address mk.sahay@nic.in.

Encl as stated



(Manish Kumar Sahay)

Under Secretary to the Government of India

Tele: 23383507

To

1. All officers (Group A)
2. All Group 'B' and Group 'C' officers/ officials
3. E-Gov Cell for placing the OM it in the employees' corner (under transfer/posting)

No. A-22011/02/2019-Ad. II

Government of India

Ministry of Corporate Affairs

5th Floor, 'A'- Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road, New Delhi

Dated:

POLICY TO REGULATE TRANSFERS/ POSTINGS OF GROUP 'A' OFFICERS

The instant policy supersedes all earlier instructions on transfer and posting of Group 'A' officers of this Ministry, contained *inter alia* in OM No. A-22011/1/2011-Ad-II dated 03.02.2012, and OM No. A-42011/123/2013-Ad-II dated 31.12.2013.

1. Transfer liability

All officers are liable to be posted in any of the offices or organization of Ministry of Corporate Affairs, anywhere in India or outside.

2. Office tenure

Minimum tenure in an office shall be **03 years**. Transfer before completion of office tenure may however be ordered in cases of administrative exigencies and on compassionate grounds.

3. Station tenure

Normal station tenure shall be **10 years**. An officer can be posted out of station before completion of station tenure, but, normally not before 03 years.

4. Re-posting restrictions

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

5. Posting in remote areas

The normal tenure of posting in North-Eastern region, Jammu & Kashmir and other hardship/difficult areas, as notified from time to time, by competent authority, shall be 2 years.

6. Transfer on promotion

The promotions will normally entail a change in office/ station.

7. Request transfer

Request transfers on compassion may be considered on grounds of –

- (i) Superannuation within 2 years
- (ii) Working spouse
- (iii) Serious/terminal disease and/or extraordinary disabilities of self/family members
- (iv) Single/widow lady official

8. Mid-term transfer

Mid-term transfers will be considered in exceptional circumstances or on administrative grounds

9. Procedure for Annual Rotational Transfer

An extensive exercise for rotation transfer will be undertaken on annual basis (Annual Rotational Transfer). The following procedures will be followed:

- (i) Applications for transfer will be invited in a prescribed format, by December of the year preceding the ART Year. Circular to this effect will be issued by the Ministry.
- (ii) All willing officers will submit their requests to respective HOO/Division Heads, who in turn will forward it to the Regional Directorate/Administrative Division of the Ministry, along with their remarks/ recommendations, and supporting documents, if any.
- (iii) All requests of field offices shall be forwarded to the Ministry in the prescribed proforma, latest by 15th February of each year.
- (iv) Orders for annual transfer shall normally be issued by **31st March** of every year.
- (v) The cutoff date for calculation of number of years in an office/station shall be 31st March of the year.

10. Annual Rotational Transfer Committee

There shall be two Committees for recommending transfer - one for officers up to the level of Junior Administrative Grade (JAG) and the other for all officers of Senior Administrative Grade and above. The composition of such committees is given below:

A. Transfer Committee 'A' (TC-A)

For members of ICLS in SAG and above (where Transfers will be approved by the Minister-in-Charge):

- | | | |
|--|---|-------------|
| (i) Secretary, Ministry of Corporate Affairs | - | Chairperson |
| (ii) Additional Secretary, MCA | - | Member |
| (iii) DGCoA/Senior-most ICLS officer posted in Delhi | - | Member |
| (iv) Joint Secretary, MCA | - | Member |

B. Transfer Committee 'B' (TC-B)

For Group A officers in the JAG and below (where transfers are approved by Secretary):

- | | | |
|---|---|-------------|
| (i) Additional Secretary, MCA | - | Chairperson |
| (ii) DGCoA/Senior-most ICLS officer posted in Delhi | - | Member |
| (iii) Joint Secretary, MCA | - | Member |
| (iv) Joint Secretary, MCA | - | Member |

C. The recommendations of the Committee will be placed before the Competent Authority for approval.

11. Powers delegated to Regional Directors

The Regional Directors are authorized to order temporary transfer of JTS/STS 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 these 6 months, the temporarily transferred JTS/STS officer shall continue to draw salary from last office, where he/she is permanently posted by MCA Headquarters.

12. Residuary jurisdiction and powers to relax

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

13. Compliance of transfer orders

After issue of transfer orders, the controlling officers responsible for relieving the transferred officers will be responsible for its compliance. No leave to be sanctioned to any transferred officer, after his/her transfer, by the controlling officers.

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5th Floor, 'A'- Wing, Shastri Bhawan,
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Dated:

TRANSFER POLICY FOR GROUP 'B' OFFICIALS WITH ALL INDIA SENIORITY

The instant policy supersedes all earlier instructions on transfer and posting of Group 'B' officers/officials (with all India seniority) of this Ministry, contained *inter alia* in OM No. A-22011/1/2011-Ad-II dated 03.02.2012, OM No A-22011/02/2008-Ad-II dated 22.02.2013; and OM No. A-42011/123/2013-Ad-II dated 31.12.2013.

1. Transfer liability

All officers are liable to be posted in any of the offices or organization of Ministry of Corporate Affairs, anywhere in India or outside.

2. Office tenure

Minimum tenure in an office shall be **05 years**, extendable **up to 10 years**, depending upon administrative exigencies.

3. Station tenure

Normal station tenure shall be **10 years**. An officer can be posted out of station before completion of station tenure, but, normally not before 05 years.

4. Re-posting restrictions

An officer, normally, may not be re-posted to same office within **05 years** from the date of his/her last transfer from that office.

5. Posting in remote areas

The normal tenure of posting in North-Eastern region, Jammu & Kashmir and other hardship/ difficult areas, as notified from time to time, by competent authority, shall be 2 years.

6. Transfer on promotion

The promotions will normally entail a change in office/ station.

7. Request transfer

Request transfers on compassion may be considered on grounds of –

- (i) Superannuation within 2 years
- (ii) Working spouse
- (iii) Serious/terminal disease and/or extraordinary disabilities of self/family members
- (iv) Single/widow lady official

8. Mid-term transfer

Mid-term transfers will be considered only in exceptional circumstances, or on administrative grounds

9. Procedure for Annual Rotational Transfer

An extensive exercise for rotation transfer will be undertaken on annual basis (Annual Rotational Transfer). The following procedures will be followed:

- (i) Applications for transfer will be invited in a prescribed format. Circular to this effect will be issued by the Ministry by December of the year preceding the ART Year.
- (ii) All willing officers will submit their requests for transfer, to respective HOO/Division Heads, who in turn will forward it to the Regional Directorate/ Administrative Division of the Ministry, along with their remarks/ recommendations and supporting documents, if any.
- (iii) All requests for **inter-region transfer**, shall be forwarded to the Ministry by Regional Directorates, latest by **01st February** of each year.
- (iv) The order for inter-region annual transfer shall normally be issued by the Ministry **before 31st March** of every year.
- (v) The tenure completion cases and requests for transfer within the region will be considered by the concerned Regional Director for intra-region transfer. The Regional Directors will issue order for intra-region transfer **by 15th April**.

10. Annual Rotational Transfer Committee

A. Inter- Regional Transfer Committee shall be constituted for considering cases for inter-region transfers under ART. The composition of the Committee will be as under:-

- | | | | |
|-------|--------------------------------|---|-------------|
| (i) | Additional Secretary, MCA | - | Chairperson |
| (ii) | DGCoA/Senior-most ICLS officer | - | Member |
| (iii) | Joint Secretary, MCA | - | Member |
| (iv) | Joint Secretary, MCA | - | Member |

Note: The recommendations of the Committee will be placed before the Competent Authority for approval.

B. Regional Transfer Committee shall be constituted in each Directorate for considering cases for intra-region transfers under ART. The composition of the Committee will be as under:

- (i) Joint Director/ Deputy Director from RD office

- (ii) Senior-most Registrar of Companies (RoC) of the Region
- (i) Senior-most Official Liquidator (OL) of the Region

Note 1: The senior-most member of the Committee will be the Chairperson.

Note 2: If sufficient number of officers are not available for constitution of the Regional Transfer Committee, Member(s) may be co-opted from adjoining region(s), on the basis of nomination.

C. If felt necessary, Ministry may order constitution of common ART Committee for two or more Regions.

D. The recommendations of the Committee will ordinarily be accepted by the Regional Directors. If the Competent Authority decides to depart from the recommendations, reasons for such departure will be recorded.

11. Powers delegated to Regional Directors

The Regional Directors will decide transfer of Group 'B' officers (with all India seniority) within the region, as per the policy, in a fair and just manner, and keeping in view the sanctioned and actual strength of all the offices under their control.

12. Residuary jurisdiction and powers to relax

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

13. Compliance of transfer orders

After issue of transfer orders, the controlling officers responsible for relieving the transferred officers will be responsible for its compliance. No leave to be sanctioned to any transferred officer, after his/her transfer, by the controlling officers.

TRANSFER POLICY FOR GROUP 'B' AND 'C' OFFICIALS WITH REGIONAL SENIORITY

The instant policy supersedes all earlier instructions on transfer and posting of Group 'B' (with regional seniority) and Group 'C' officials of this Ministry, contained *inter alia* in OM No. A-22011/1/2011-Ad-II dated 03.02.2012, OM No A-22011/02/2008-Ad-II dated 22.02.2013; and OM No. A-42011/123/2013-Ad-II dated 31.12.2013.

1. Transfer liability

All officials are liable to be posted in any of the offices or organization of Ministry of Corporate Affairs, anywhere in India or outside.

2. Tenure

(A) Intra-region Transfers- Intra-region transfer may be considered as under:

- (i) Where there are more than one office at a station, the officials will be regularly rotated between (or among) the offices, by Regional Directors on completion of continuous 05 years of service in an office.
- (ii) Where there is only one office at a station, inter-station transfers will take place on regular promotion or on direct recruitment to a higher post.

(B) Inter-region Transfers- Group B/C officials with regional seniority will not be transferred outside the region unless they are promoted or directly recruited to a cadre/post where All India seniority is maintained Any Group B/C official with regional seniority may, however, be considered by the Ministry for inter-region transfer, subject to following conditions:-

- (i) The official is willing for inter-region transfer.
- (ii) The request for transfer is forwarded by Regional Director.
- (iii) The employee seeking such transfer has completed 3 years in the Region.
- (iv) As seniority is maintained on regional basis, the official will be placed at the bottom of seniority list of the post in the 'new' region.

Inter-region transfers may also be ordered by the Ministry due to administrative reasons like transfer of post etc.

3. Re-posting restrictions

An official, normally, may not be re-posted to same office within **05 years** from the date of his/her last transfer from that office.

4. Request transfer

Request transfers on compassion may be considered on grounds of –

- (i) Superannuation within 2 years
- (ii) Working spouse
- (iii) Serious/terminal disease and/or extraordinary disabilities of self/family members
- (iii) Single/widow lady official

5. Mid-term transfer

Mid-term transfers will be considered only in exceptional circumstances, or on administrative grounds

6. Rotational Transfer Committee

(A) **Inter-Region Transfer Committee** shall be constituted for considering cases for inter-region transfers under ART. The composition of the Committee will be as under:-

- | | | |
|-------------------------------|---|----------|
| (i) Additional Secretary, MCA | - | Chairman |
| (ii) Joint Secretary, MCA | - | Member |
| (iii) Joint Secretary, MCA | - | Member |
| (iv) Senior-most ICLS officer | - | Member |

Note: The recommendations of the Committee will be placed before the Competent Authority for approval.

(B) **Regional Transfer Committee** shall be constituted in each Directorate for considering cases for intra-region transfers under ART. The composition of the Committee will be as under:

- (i) Joint Director/ Deputy Director from RD office
- (ii) Senior-most Registrar of Companies (RoC) of the Region
- (iii) Senior-most Official Liquidator (OL) of the Region

Note 1: The senior-most member of the Committee will be the Chairperson.

Note 2: If sufficient number of officers are not available for constitution of the Regional Transfer Committee, Member(s) may be co-opted from adjoining region(s), on the basis of nomination.

Note 3: The recommendations of Regional Transfer Committee will be placed before the concerned Regional Director. The recommendations of the Committee will ordinarily be accepted by the Regional Director. If the Competent Authority decides to depart from the recommendations, reasons for such departure will be recorded.

7. Powers of Regional Directors for transfer

The Regional Directors will decide transfer of Group 'B' and Group 'C' officials (with regional seniority) within the region, as per the policy, in a fair and just manner, and keeping the sanctioned and actual strength of all the offices under their control.

8. Residuary jurisdiction and powers to relax

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

9. Compliance of transfer orders

After issue of transfer orders, the controlling officers responsible for relieving the transferred official will be responsible for its compliance. No leave to be sanctioned to any transferred official, after his/her transfer, by controlling officers.