

Minutes of the meeting held under the chairmanship of Shri Bhanu Pratap Sharma, Secretary, DOP&T on 12.08.2016 to consider the cases of inter cadre deputation/ inter cadre transfer / extension in inter cadre requiring relaxation of provision(s) of the guidelines.

A meeting was held on 12.08.2016 under the Chairmanship of Secretary(P) to consider the cases of inter cadre deputation/ inter cadre transfer / extension in inter cadre deputation period requiring relaxation of provision(s) of the guidelines. The members of the committee EO&AS & AS(S&V) were also present. Further, Director (AIS) & US(S-III) were also present to assist the Committee in the meeting.

The Committee took note of the Action Taken Report on the minutes of the previous meeting held on 15.06.2016. The Committee after detailed deliberations and careful consideration in each case took following decisions in the meeting:-

Case 1: Hon'ble CAT, Guwahati Bench order on O.A.No. 196/ 2015 (Shri S. Viswanathan – vs – UOI & Ors) regarding Inter cadre transfer of Shri S. Viswanathan, IAS (AM:08) from Assam-Meghalaya cadre on grounds of marriage to Ms. J. P. Irene Cynthia, IAS (MP:08)

The Committee was informed that the Hon'ble CAT Guwahati Bench has directed the respondent authority to consider the case of the applicant and his wife in terms of the power conferred by Sub Rule 2 of Rule 5 of the IAS (Cadre) Rules, 1954 to transfer any of the third cadre as opted where the respective State Govt. has consented.

As per guidelines on inter cadre transfer only in instances where both States have refused to accept the other spouse will the officers be considered for transfer by the Government of India to a third cadre subject to the consent of the Cadres concerned for such transfer.

As per OM No. 13017/16/2003-AIS-1 dated 18.1.2008, such couple shall be transferred to one of the deficit cadres with the concurrence of the State Government concerned.

Vide OM No. 13017/34/2011-AIS-1 dated 22.8.20012, it has been clarified that deficit cadre is one where there is a maximum percentage of shortfall of direct recruit officers vis-i-vis the direct recruit cadre strength. Shortfall may be computed on the basis of Civil List of AIS prevailing at the time of the application for Inter-Cadre Transfer. In case of continued refusal by the cadres of the officers on which they are borne the officers would be considered for transfer to a third cadre and for this purpose Central Government will first identify three cadres, which have maximum deficit of direct recruit officers as a percentage of all the DR officers sanctioned post and then give a choice to the couple seeking transfer to a third cadre to choose one of those cadres. Thereafter, the concurrence of the concerned cadre would be taken before the couple is transferred to third cadre.

The Committee in the light of above directed to issue Speaking Order rejecting the proposal for cadre transfer of the officers to any of the third cadre

as opted where the respective State Government has consented and to incorporate the case in the quarterly report. The Committee also directed that the officers may be informed that if they want they can go for inter cadre transfer to each other's cadres and in case their respective cadres again don't accept them then the proposal for their cadre change to third cadre will be examined as per extant policy."

Case 2: Extension of inter cadre deputation of Shri Lalrinliana Fanai, IAS (UD:97) from Uttarakhand cadre to Mizoram Cadre for a further period of two years beyond February, 2017.

The Committee was informed that the officer is going to complete three years on inter cadre deputation in February 2017 and is in Supertime scale. **The Committee after detailed deliberations recommended the case and directed to seek comments of the Ministry of Home Affairs and vigilance status in respect of the officer. Thereafter, on receipt of no objection from the Ministry, the proposal along with ACC note may be put up for the approval of ACC.**

Case 3: Extension of inter cadre deputation period of Smt. Aparna Upadhyay, IAS (UP:2001) from UP cadre to Andhra Pradesh cadre for a further period of two years beyond 16.07.2018

The Committee was informed that the officer is on inter cadre deputation to Andhra Pradesh for three years and the tenure of which is going to be completed by 16.07.2018. **The Committee observed that it is premature to seek extension and directed to inform the State Governments to process the proposal for extension six months before the expiry of inter cadre deputation tenure of the officer.**

Case 4: Extension of inter cadre deputation period of Shri Adusumili V Rajamouli, IAS (UP:2003) from UP cadre to Andhra Pradesh cadre for a further period of two years beyond 16.07.2018

The Committee was informed that the officer is on inter cadre deputation to Andhra Pradesh for three years and the tenure of which is going to be completed by 16.07.2018. **The Committee observed that it is premature to seek extension and directed to inform the State Governments to process the proposal for extension six months before the expiry of inter cadre deputation tenure of the officer.**

Case 5: Inter cadre deputation of Shri Jitendra Singh Raje, IAS (SK:07) from Sikkim cadre to Madhya Pradesh cadre for a period of five years.

The Committee was informed that the officer being of 2007 batch has completed the required service of nine years in his cadre and is not in super time scale. **The Committee after detailed deliberations recommended the case and directed to seek comments of State Government of Madhya Pradesh and vigilance status in respect of the officer. Thereafter, on receipt of no objection from the State Government, the proposal along with ACC note may be put up for the approval of ACC.**

Case 6: Inter cadre deputation of Shri K. Thavaseelan, IAS (NL:12) from Nagaland cadre to Telangana cadre

The Committee was informed that the officer being of 2012 batch has not completed the required nine years of service in his cadre. **The Committee after detailed deliberations did not recommended the case as the same is not covered under the extant guidelines.**

Case 7: Inter cadre deputation of Shri M.R.M. Rao, IAS (AGMUT:2007) from AGMUT cadre to Telangana cadre

The Committee was informed that the officer being of 2007 batch has completed the required service of nine years and not reached super time scale. **The Committee after detailed deliberations recommended the case and directed to seek comments of the Ministry of Home Affairs and State Government of Telangana and vigilance status in respect of the officer. Thereafter, on receipt of 'no objection' from the Ministry and State Government, the proposal along with ACC note may be put up for the approval of ACC.**

Case 8: Inter cadre deputation of Shri Shailesh Kumar Chourasia, IAS (MN:2007) from Manipur cadre to Jharkhand cadre

The Committee was informed that the officer being of 2007 batch has completed the required service of nine years in his cadre and is not in super time scale. **The Committee after detailed deliberations recommended the case and directed to seek comments of State Government of Jharkhand and vigilance status in respect of the officer. Thereafter, on receipt of no objection from the State Government, the proposal along with ACC note may be put up for the approval of ACC.**

Case 9: Inter cadre transfer of Ms. Nidhi, IAS(WB:13) from West Bengal cadre to AGMUT cadre on grounds of marriage to Shri Devesh Kumar Mahla, IPS (AGMUT:12)

The Committee was informed the State Government of West Bengal has regretted its inability to give its consent for cadre transfer of Ms. Nidhi, IAS (WB:13) from West Bengal to AGMUT cadre. **The Committee after detailed deliberations decided that the proposal for cadre change of Ms. Nidhi, IAS(WB:13) may be processed only on receipt of no objection / consent from West Bengal cadre and inform the officer accordingly.**

Case 10: Inter cadre transfer of Ms. Vipra Bhal, IAS (GJ:08) and Mr. Jitendra Kumar Singh, IAS (JK:08) to third cadre as per extant policy.

The Committee was informed that the officers have applied for inter cadre transfer in the year 2011. Both the officer's were earlier not accepted by either of the cadres for cadre transfer on grounds of marriage. Now, the officers have requested for cadre transfer to Jharkhand cadre (second most deficit cadre as per Civil list year 2011)

as per the extant guidelines. The Committee after detailed deliberations recommended the proposal and directed to seek comments from concerned State Governments and vigilance status of the officer. Thereafter, on receipt of no objection from the State Government, the proposal along with ACC note may be put up for the approval of ACC.

Apart from the above, the Committee directed that the cases which are prima-facie covered under the existing policy for inter-cadre transfer/ deputation / extension may immediately be processed as and when received without waiting for placing the same before the Committee. Such proposals may be put up to the Committee after receipt of required no-objection / documents from the concerned cadres.

Meeting ended with thanks to the Chair
