

F. No. A-22011/1/2019-A(P&T)

Government of India

Office of the Development Commissioner (MSME)

Ministry of Micro, Small & Medium Enterprises

Administration (P&T) Section

Nirman Bhawan, New Delhi

Dated: 22nd February, 2021

OFFICE MEMORANDUM

Subject: Transfer Policy and Constitution of Committees for recommending posting/transfer of Indian Enterprise Development Service (IEDS) and other officers under the Office of Development Commissioner (MSME) - regarding.

The undersigned is directed to refer to Department of Personnel and Training (DoP&T)'s O.M. No. 11013/10/2013-Estt.A dated 09.01.2014 & 02.07.2015, on the subject mentioned above.

2. The following guidelines are formulated for posting/transfers to be made in respect of Group 'A' & 'B' officer's post under the Office of Development Commissioner (MSME).

I. Transfer liability

The Group 'A' & 'B' officers under O/o DC(MSME), M/o MSME, Govt. of India are liable to be posted at Headquarters or at any of the 72 field offices anywhere in India.

II. Postings at the time of recruitment

At the time of initial recruitment to the post of Assistant Director Grade I and Assistant Director Grade-II candidates will have to give three preferences for place of posting, which would be taken into account along with seniority and vacancy position during the initial posting.

III. Annual Rotational Transfers

The annual rotational transfer of these officers shall be on the following criteria

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Criteria	Period*
Minimum tenure in an office	3 years
Normal tenure in a station	- 5 years for Group 'A' posts - 10 years for feeder grade posts
Re-Posting restrictions to same office from the date of last transfer	- 4 years for Group 'A' posts - 6 years for feeder grade posts
Tenure of Posting in NE Region, J&K and other difficult areas as notified from time to time**	3 years during first block of 10 years of Govt. Service and 2 years for next blocks of 10 years of Govt. Service

* The period spent on deputation at any station shall not be treated as a period of stay at the station from which he proceeded on deputation

** All officers will have to serve, at least, one tenure, in their entire service. There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave training etc in excess of 15 days will be excluded in counting the tenure period of 2/3 years.

IV. Transfer on Promotion

The promotion will ordinarily entail a change of office/station.

V. Request transfer

Request transfer will be considered on grounds of :-

- (i) superannuation within 2 years;
- (ii) posting at same station, as of, working spouse;
- (iii) serious/terminal diseases; and
- (iv) extraordinary disability of self/ family members.

VI. Mid-term transfer

Requests for mid-term transfer will be considered only in exceptional cases.

VII. Transfer from sensitive posts

The CVO, O/o DC(MSME) will identify the sensitive posts in Headquarters as well as field offices and convey the same to DC(MSME). The staff working in these posts will be rotated after every three years to avoid developing vested interests.

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VIII. Officers exempted from transfer

- a) Officers of all grades who are due to retire on superannuation within 2 years would not be ordinarily disturbed from their existing place of posting unless they themselves opt for change of posting near their hometown.
- b) Officers likely to be promoted within one year shall be exempted from rotational transfer as they will be transferred on promotion.
- c) Officers, who have already completed 55 years of age, would not generally be posted to hard stations including those in the North Eastern Region. Someone willing to get a posting in any of these stations can indicate his/ her preference, which would be considered by the empowered committee most favourably.

IX. Surrender of officers

Unilateral surrender of officers, on any ground, will not be allowed as surrender of an officer poses several problems to the Cadre Controlling Authority. If an officer is not performing, the Controlling Officers are expected to initiate appropriate action either to penalize or reform the officer. If situation warrants that an officer has to be surrendered, then a request should be made to the Competent Authority, whether to transfer the officer or not.

X. Officers returning from deputation, long leave, long-term training, study leave, etc.

An officer returning from deputation, long leave, long-term training, study leave, etc. will be posted back to the same office/ station, where he last served, for the balance period of tenure prescribed for the grade, subject to availability of vacancy and subject to the condition that at least one year of balance tenure is left. On expiry of the retention for the balance tenure, the officer will be transferred in the annual rotational transfer. Officer should notify their return at least 15 days in advance.

XI. Procedure for transfer: In case of annual rotational transfers, every officer likely to get transferred may be asked to give three options and utmost care should be taken to accommodate him/ her against the highest preference possible, subject to other considerations as applicable and his inter-se seniority amongst other officers of/ at the same level.

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a) For request transfer:

All applications for transfers, with three choices of stations from the officers, shall be forwarded by their controlling officers, to the Competent Authority by 31st January without exception for consideration during annual rotational transfer.

b) For administrative transfers:

The posting profiles of all the officers, including those who have not submitted any request, have to be updated in the system by their controlling officers/ HQ.

c) Committee for Transfer/ Postings:

Committee for Transfer/Posting will examine the applications received for request transfer and the posting profile of officers due for annual rotational transfers and furnish its recommendations to the Competent Authority for approval. The Composition of committee for each grade is at **Annexure**. The objective of this committee is to bring transparency in transfer/posting.

d) Date of issue of annual transfer orders:

All such requests will be processed in the O/o DC(MSME), New Delhi and transfer orders shall normally be issued before 31st March.

e) Compliance of transfer orders:

- After issue of transfer orders the controlling officers responsible for reliving the transferred officer shall be responsible for its compliance.

- No leave is to be sanctioned to any transferred officer after his transfer by his controlling officer. Only in exceptional circumstances, which are to be conveyed to the cadre controlling authority in writing, a maximum of 30 days leave can be granted by the Controlling Officer subject to the condition that officer concern has to join duties at allocated place of posting on expiry of leave.

f) Cut-off date:

The cutoff date for calculation of number of years at an office/station shall be 31st March of every year.

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XII. Competent Authority

- a) The Additional Secretary & Development Commissioner (MSME) is the competent authority for approval of transfers upto Jt. Director grade.
- b) Secretary, M/o MSME is the competent authority for approval of transfer of Director & ADC.

XIII. Residuary jurisdiction and powers to relax

- a) The Additional Secretary & Development Commissioner (MSME) will have jurisdiction in all residuary matters and also to relax any of the above provisions in exceptional cases of extreme hardship or in public interest as deemed fit.
 - b) The transfer policy guidelines prescribing the tenure for posting of Gr-'A' & 'B' officers under O/o DC(MSME) are only directory in nature and not mandatory and will not confer any right on any individual for seeking transfer.
3. This replaces the existing Transfer Policy Guidelines vide letter No. A-22012/1/99-Admn(G) dated 29.10.2007.
4. This issues with the approval of competent authority.

(Signature)
22/02/2021
(Pankaj Kumar Jha)
Deputy Director (Admn.)

To

- I. PPS to Secretary (MSME)
- II. PPS to AS&DC (MSME)
- III. PA to ADC(PS)/PA to ADC(SM)/PA to ADC(AS)/PA to DDG(DPS)/PA to JDC(MK)/PA to JDC(DR)
- IV. Officers concerned
- V. SENET Section - To upload on official website
- VI. Guard File.

Annexure

In Compliance of the Hon'ble Supreme Court's Order dated 31.10.2013 in W.P. (Civil) No. 82/2011, it has been decided to constitute a Committee for recommending posting/ transfer in following grade of officers under O/o DC(MSME), as indicated below:-

Sl. No.	Post	Composition of the Committee	Authority competent to approve the recommendation of the Committee
1.	<ul style="list-style-type: none">• Assistant Director (Gr-II)• Assistant Director (Gr-I)	(i) Director/ DS/ Jt. Director (Admn.) - Chairman (ii) Dy. Director/US (Admn.) - Member (iii) One Dy. Director/US level IEDS officer to be nominated - Member	AS & DC (MSME)
2.	<ul style="list-style-type: none">• Deputy Director• Joint Director	(i) ADC/JDC (Admn.) - Chairman (ii) Director/ DS/ Jt. Director (Admn.) - Member (iii) One Director/ DS/ Jt. Director level IEDS officer to be nominated - Member	AS & DC (MSME)
3.	<ul style="list-style-type: none">• Director• Additional Development Commissioner	(i) AS & DC (MSME) - Chairman (ii) ADC (Admn.) - Member (iii) One ADC/ DDG/ JS level officer to be nominated - Member	Secretary (MSME)

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