

15 -ാം കേരള നിയമസഭ

5 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 3743

15-07-2022 - ൽ മറുപടിയ്ക്ക്

ജീവനക്കാരുടെ വകുപ്പ് മാറ്റം

ചോദ്യം		ഉത്തരം	
ശ്രീ. കെ.വി.സുമേഷ്		ശ്രീ. പിണറായി വിജയൻ (മുഖ്യമന്ത്രി)	
(എ)	<p>സംസ്ഥാനത്തെ സർക്കാർ ജീവനക്കാർക്ക് വകുപ്പ് മാറ്റുന്നതിന് സാധിക്കുമോ; ആയതിന്റെ നടപടിക്രമങ്ങൾ അറിയിക്കുമോ; സംസ്ഥാനത്ത് വകുപ്പ് മാറാൻ പറ്റാത്തതായി ഏതെങ്കിലും വിഭാഗം ജീവനക്കാരുണ്ടോ; വിശദാംശം ലഭ്യമാക്കുമോ?</p>	(എ)	<p>06-02-2013-ലെ സ.ഉ.(പി)നം.05/2013/ ഉഭപവ നമ്പർ സർക്കാർ ഉത്തരവിലെ വ്യവസ്ഥകളുടെ അടിസ്ഥാനത്തിൽ ലാസ്റ്റ് ഗ്രേഡ് സർവ്വീസ് ജീവനക്കാർ ഒഴികെയുള്ള സബോർഡിനേറ്റ് സർവ്വീസിൽ ഉൾപ്പെട്ട ജീവനക്കാർക്ക് അന്തർവകുപ്പ് മാറ്റം അനുവദിക്കാവുന്നതാണ്. യാതൊരു സർക്കാർ ജീവനക്കാരനും അന്തർവകുപ്പ് സ്ഥലംമാറ്റം അവകാശമായി ഉന്നയിക്കുവാൻ പാടില്ല എന്നും, ഇത്തരം സ്ഥലംമാറ്റം അനുവദിക്കുന്നത് ബന്ധപ്പെട്ട നിയമനാധികാരികളുടെ ഉഭയസമ്മത പ്രകാരം (willingness) ആയിരിക്കണം എന്ന് ടി ഉത്തരവിൽ വ്യവസ്ഥ ചെയ്തിട്ടുണ്ട്. ഉത്തരവിന്റെ പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു.</p> <p>കേരള ലാസ്റ്റ് ഗ്രേഡ് സർവ്വീസ് വിശേഷാൽ ചട്ടം 17, 17(d) അടിസ്ഥാനത്തിൽ ലാസ്റ്റ് ഗ്രേഡ് ജീവനക്കാർക്കും കേരള പാർട്ട് ടൈം കണ്ടിജന്റ് സർവ്വീസ് വിശേഷാൽ ചട്ടം 12, 12(d) അടിസ്ഥാനത്തിൽ പാർട്ട് ടൈം ജീവനക്കാർക്കും നിയമനാധികാരികളുടെ ഉഭയ സമ്മതത്തോടെ അന്തർ വകുപ്പ് മാറ്റം അനുവദിക്കാവുന്നതാണ്.</p>

സെക്ഷൻ ഓഫീസർ

(x) An Inter-departmental transferee will have to complete five years service in the new unit/department before securing further transfer to third unit/department. In either case he will forfeit his seniority and will have to commence probation afresh.

(xi) Only 10% of the vacancies arising in the department/district in a year in a category shall be filled up by Inter-departmental and Inter-district transfer.

(xii) Five year rule need not be insisted in the case of Inter-departmental transfer from one department to another if the recruitment to both departments is made from a common ranked list prepared statewide.

By order of the Governor,
T. J. MATHEW,
Secretary to Government.

To

All Heads of Departments/Appointing Authorities and Offices.
All District Collectors.
All Departments/All sections of the Secretariat including Law and Finance.
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram
(with C.L.).
The Accountant General (A&E), Kerala, Thiruvananthapuram (with C.L.).
The Advocate General, Kerala, Ernakulam/Thiruvananthapuram Branch (with C.L.).
The Registrar, Kerala High Court (with C.L.).
The Secretary, Kerala Public Service Commission (with C.L.).
The Secretary, Kerala Legislature Secretariat (with C.L.).
The Director, Information and Public Relations Department (for wide publicity).
Information and Public Relations (Web and News Media) Department (for uploading
in the official website).
Stock File/ Office Copy.



GOVERNMENT OF KERALA

Abstract

P&ARD—MUTUAL OR INTER-DEPARTMENTAL TRANSFER FROM ONE UNIT TO ANOTHER IN THE SAME DEPARTMENT OR FROM ONE DEPARTMENT TO ANOTHER WITHIN THE SAME SUBORDINATE SERVICE—CONDITIONS FOR GRANTING TRANSFERS TO GOVERNMENT SERVANTS OTHER THAN LAST GRADE SERVANTS—REVISED ORDERS ISSUED

PERSONNEL AND ADMINISTRATIVE REFORMS (ADVICE-C)
DEPARTMENT

G. O. (P) No. 05/2013/P&ARD. Dated, Thiruvananthapuram, 6th February, 2013.

- Read:—1. G. O. (Ms.) No. 4/61/PD dated 2-1-1961.
2. G.O. (P) No. 154/71/PD dated 22-5-1971.
3. Circular No. 123746/SD5/73/PD dated 28-5-1976.
4. Circular No. 143088/SD1/76/GAD dated 11-7-1977.
5. G. O. (P) No. 442/80/GAD dated 26-9-1980.
6. G. O. (P) No. 180/81/GAD dated 3-6-1981.
7. G. O. (P) No. 36/91/P&ARD dated 2-12-1991.
8. Letter No. AV (1) 13277/2012/GW dated 3-11-2012 from the Secretary, Kerala Public Service Commission.

ORDER

It was ordered in the Government Order read as 1st paper above that mutual or Inter-departmental transfer of Government servants from one unit to another within the same Department or from one Department to another within the same subordinate service may be ordered by the Appointing Authority concerned on request subject to the condition specified therein. It was later clarified as per circular, read as 3rd and 4th paper above that the five year rule prescribed for

GCPT. 3/711/2013/DTP.

Inter-district transfer of Government employees in Government Order read as 2nd paper above shall be treated as applicable to all cases of Inter-departmental transfers including mutual transfers also. Again it was clarified in Government Order read as 6th paper above that the orders issued in Government Order read as 5th paper above in respect of Inter-district transfer should be applicable to Inter-departmental transfers as well.

2. However after the issue of Government Order read as 7th paper above, by which the conditions under which Inter-district transfers are to be granted are recast in supersession of all previous orders, no order has since been issued making the conditions specified therein applicable to Inter-departmental transfers also as was done in earlier occasions. As a result certain confusion is noticed to be prevalent as to whether the conditions of Government Order in the 7th paper read above, prescribed exclusively for Inter-district transfers can be made applicable as such in the case of Inter-departmental transfers also.

3. In this connection it is clarified that although certain resemblances do exist between Inter-district and Inter-departmental transfers, the conditions prescribed in Government Order read as 7th paper above, exclusively for Inter-district transfers cannot be made applicable to Inter-departmental transfers in toto. Therefore after examining the matter in detail the Government are pleased to order in supersession of relevant provisions of all existing orders and circulars that mutual or Inter-departmental transfers of Government servants, other than Last Grade Servants, from one unit to another within the same Department or from one Department to another in the same subordinate service shall hence forth be allowed only on the following conditions:

(i) No Government Servant can claim Inter-departmental transfer as a matter of right and the same will always be subject to the willingness of the Appointing Authorities concerned to spare and take the services of the Government Servant.

(ii) Inter-departmental Transfers should be made only in cases in which the posts concerned carry the same scale of pay and have the same qualification and method of appointment prescribed. No Inter-departmental transfer from a department is allowed if appointment to that department is made from a ranked list exclusively prepared for that department. Inter-departmental transfer is permissible only in the entry cadre.

(iii) A permanent person is required to relinquish his permanency. He may be permitted to retain his permanent lien in the old post until he is confirmed in the new unit or department, but he can come back to the old department only if and when

there is no vacancy for him to continue in the new unit or if for any reason his pay in the substantive post in the parent department becomes higher than the pay of the new post held by him. The benefit of Rule 8, Part II, KS&SSRs is not applicable to Inter-departmental transferees since the transfer is on his own application or not in public interest.

(iv) A person transferred to a new unit/department will take rank below the junior most in the category in the new unit or department. He/She will not be allowed to count his previous service towards seniority in the new unit/department. He/She will have to commence and complete probation afresh in the new unit/department as laid down in Rule 18 of Part II, KS&SSRs even if he/she had completed probation in the previous department before the transfer. But he/she may be allowed to count his/her previous service towards increment, leave and retirement benefits namely pension, gratuity etc.

(v) Persons transferred from one unit to another in the same department or from one department to another due to proved administrative reasons will retain all their rights in the old unit or department as the case may be.

(vi) In the case of transfer (other than those coming under item 5 above) no T.A., or joining time pay will be allowed whether at the time of first transfer or at the time of reversion to parent department.

(vii) Transfer among Departments where recruitment is made districtwise, will be allowed, even within the same district only after completion of five year service in the department from which transfer is sought.

(viii) The only exemption to the five year rule will be in cases of transfer to any other Department in the district of choice of candidates advised from a district ranked list to Headquarters vacancies in Departments which do not have any office/post in the district of choice. Such Inter-departmental transfers can be allowed by Government with the mutual consent of the Appointing Authorities, subject to forfeiture of seniority.

(ix) However in cases where the department to which a candidate is appointed in Headquarters vacancy has an office in the district of choice but authorities concerned certifies that a vacancy is not likely to arise in the district to accommodate him/her within five years of such appointment, Inter-departmental transfer may be allowed to the candidate to any other Department in his/her district of choice in relaxation of the five year rule with the mutual consent of the Appointing Authorities after taking orders of Hon'ble Chief Minister.