

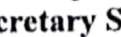
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Dated: 4th November, 2022

No.S&GAD/R/A-4(358)2017. The President, Azad Jammu & Kashmir has been pleased to accord approval for issuance of the **“Transfer Policy for the Officers of Services & General Administration Department and Employees of Civil Secretariat, 2022”** as annexed herewith.

(Amjad Ali Minhas)
Additional Secretary S&GAD
(Regulations)

1. Secretary to the President, Azad Jammu & Kashmir.
2. Principal Secretary to the Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. PS to the Ministers, Azad Govt. of the State of Jammu and Kashmir.
4. Chief Secretary, Azad Government of the State of Jammu & Kashmir.
5. Additional Chief Secretary (General).
6. Additional Chief Secretary (Development).
7. Senior Member Board of Revenue.
8. Secretary, Services & General Administration Department.
9. All Secretaries to the Government.
10. Registrar Supreme Court/High Court/Shariat Court, Azad Jammu & Kashmir.
11. Accountant General of Azad Jammu and Kashmir Muzaffarabad.
12. Controller Government Printing Press, Muzaffarabad for publication in extraordinary issue of the Official Gazette.
13. Registrar Service Tribunal, Azad Jammu & Kashmir.
14. System Administrator, S&GAD.
15. Master File.


04.11.2022
(Munir Iqbal)
Deputy Secretary S&GAD
(Regulations)

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
Services & General Administration Department



**Transfer Policy for the Officers of Services & General
Administration Department and Employees of
Civil Secretariat, 2022**


Amal

PROLOGUE

WHEREAS, good governance envisaging transparency and efficiency has been the *sine qua non* of effective implementation of Government policies and plausibly indispensable in contemporary circumstances which necessitates and requires periodic review of human resource placement. Azad Government of the State of Jammu and Kashmir lays emphasis on a transparent, equitable and holistic Transfer Policy for various services that enshrines better career management for Civil Servants to achieve the goal of efficiency, discipline and better service delivery in the State.

THEREFORE, keeping above in view the Azad Government of the State of Jammu and Kashmir has been pleased to approve, following Transfer Policy for the officers and employees of Services & General Administration Department including the officers holding other administrative posts: -

1. OBJECTIVES OF THE POLICY:

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- a. Services of the Civil Servants are acquired and regulated under the AJ&K Civil Servants Act, 1976 and rules made thereunder i.e. the "AJ&K Civil Servants (Appointment & Conditions of Service) Rules, 1977". However, absence of a notified transfer policy regulating the tenure for transfer/posting of officers of Services & General Administration Department and employees of Civil Secretariat, hampers smooth functioning of the Departments, ultimately leaving room for exercise of discretionary powers in an arbitrary manner. Such exercise of power leads to compromised performance of the employees and also opens the door of litigation against the Government. Hence, it is indispensable to determine the criteria and guidelines to regulate the transfer/posting of certain categories of officers and officials mentioned above.
 - b. An equitable and just treatment among the Civil/Government servants brings sense of security and effectiveness in the performance which can be demonstrated through formulation and implementation of an appropriate transfer policy to achieve the objectives of efficiency and effectiveness in the public service delivery. A transfer policy caters the requirements of administration and career management of the employees. Presently, there exists no transfer policy for officers of Services & General Administration Department and officials of Civil Secretariat having emphasis on the protection of tenure.

- c. Tendency of extended tenure, stagnant posting in unattractive areas, influence and interest maximization is detrimental to state interest and is against the essentials of administration. These constraints can be uprooted through the introduction of tenure fixation and rotation of the employees.

2. **SHORT TITLE AND COMMENCEMENT:**

- a. This policy shall be called "**Transfer Policy for the Officers of Services & General Administration Department and Employees of Civil Secretariat, 2022**".

- b. It shall come into force at once.

3. **DEFINITIONS:**

In this policy, unless otherwise provided in any other rule or law, the following terms and words shall have the meaning assigned to them respectively:—

- a. "**Administrative Secretary**" means the Secretary to the Government incharge of a department listed in First & Second Schedule of Rules of Business (Revised), 1985.
- b. "**Secretariat**" shall have same meanings as defined in the Azad Government of the State of Jammu & Kashmir Rules of Business (Revised), 1985.
- c. "**Employees of Civil Secretariat**" means the employees of Ministerial Cadre borne on the strength of Services & General Administration Department and posted in the Civil Secretariat under rules for the time being in force.
- d. "**Secretariat Service Group**" shall include such officers holding post of Section Officer BS-17, Deputy Secretary BS-18, Additional Secretary BS-19 and Senior Additional Secretary/Special Secretary BS-20 borne on the strength of Services & General Administration Department.
- e. "**Tenure Posting**" means the posting of officers of other departments to the posts of Section Officer BS-17, Deputy Secretary BS-18 and Additional Secretary BS-19 in terms of Serial No.4 of Ninth Schedule of the Rules of Business (Revised), 1985 according to quota prescribed under relevant service rules.
- f. "**AJ&KAS**" means the officers of General Administration borne on the strength of S&GAD and made part of Azad Jammu & Kashmir Administrative Service holding the post of Assistant Commissioner BS-17, Additional Deputy Commissioner/Deputy Commissioner BS-18/19, Additional Commissioner BS-19 and equivalent, Commissioner BS-20 and equivalent, including the

officers of same service required to be posted in the Civil Secretariat against the post of Deputy Secretary BS-18 and Additional Secretary BS-19 under the quota reserved for their posting in the Civil Secretariat.

- g. "Police Service" shall include Superintendent Police BS-18, Senior Superintendent Police BS-19, Assistant Inspector General Police BS-19 and Deputy Inspector General Police BS-20.

4. GENERAL PRINCIPLES/ GUIDELINES:

- a. All postings shall be tenure specific, based on suitability and subject to the special aptitude of an officer/official;
- b. Tenure for transfer of Secretaries to an assignment/department shall be one year as minimum and two years as maximum;
- c. General tenure for transfer/posting of the officers of AJ&K Administrative Service i.e. Assistant Commissioner BS-17, Additional Deputy Commissioner BS-18, Deputy Commissioner BS-18/19, Additional Commissioner and Equivalent BS-19 and Commissioner BS-20 and equivalent shall be one year as minimum and two years as maximum period;
- d. General tenure for the posting/transfer of the officers of Police Service i.e. Superintendent Police BS-18, Senior Superintendent Police BS-19, Assistant Inspector General Police BS-19 and Deputy Inspector General Police BS-20 shall be one year as minimum and two years as maximum period;
- e. General tenure of posting to a specific assignment shall be one year as minimum and three years as maximum for the officers of Secretariat Service and the employees of Civil Secretariat;
- f. An employee/officer shall not be transferred to any other department before expiry of minimum one year tenure of posting to a specific post and shall not be retained to the same post beyond the maximum period of tenure;
- g. On completion of one (01) year period of stay at one assignment, the officer or employee shall be liable to transfer anywhere else;
- h. Tenure fixed for minimum stay in one department shall be subject to the suitability of the officers/officials for posting to an assignment. In case of delinquency, bad reputation or any solid opinion that his/her retention to such

assignment is harmful for public service he/she shall be transferred before completion of the minimum tenure prescribed above;

- i. An officer/employee shall not continue to be posted in an office/department against a post beyond a period of maximum tenure as prescribed in clause (b), (c), (d) and (e) above unless he/she renders service in another department for prescribed period.

Provided that tenure of posting shall not be extended for more than one year in any case.

- j. The stay of an officer/employee may be curtailed for less than one year period in terms of clause (h) or extended beyond the period of maximum tenure as prescribed in (b), (c), (d) and (e) above on the desire of the concerned department.

Provided that the curtailment of or extension in the tenure in terms of clause (e) and (f) may be made after obtaining relaxation/exemption of the Competent Authority in specified tenure by order in writing giving detailed justification for such relaxation/exemption.

- k. Every officer (AJ&K Administrative Service and Secretariat Service)/official shall essentially be liable to serve in the departments listed in '**Schedule**' appended to this policy;
- l. If a department initiates a proposal for transfer of an employee/officer before completion of stipulated tenure, the department shall record reason thereof;
- m. The tenure of officers posted in Civil Secretariat as Additional Secretaries BS-19, Deputy Secretaries BS-18 and Section Officers BS-17 against the quota reserved for other departments on tenure basis shall be in accordance with serial 4 of Ninth Schedule of AJ&K Rules of Business (Revised), 1985;
- n. On completion of tenure the officer/official earlier posted against the said post at particular place/station shall not be posted again against the same post at least for a period of 02 years;
- o. The officers of AJ&KAS shall be liable to serve for a period of at least 02 years as Additional Secretary BS-19 and 02 years as Deputy Secretary BS-18 in the Civil Secretariat against the posts reserved under rules for their placement. The posting of these officers shall be made on rotation basis so that all officers of relevant cadre could earn experience of working in the Secretariat at different levels;

- p. Ban pertaining to posting at home station shall be applicable in case of field posting of officers of AJ&K Administrative Service and Police Service;
- q. Minimum & maximum tenure of officers of Secretariat Service posted by transfer outside the Secretariat shall be two and three years, respectively.

5. EXCEPTIONS:

The tenure protection shall not be applicable in case of;

- Disciplinary proceedings initiated on account of inefficiency and misconduct.
- Transfer from one section to another or from one wing to another in the same department.
- An officer/employee voluntarily forgoes his/her right of promotion.
- Transfer/posting made under prevailing deputation policy.

6. TENURES FOR TRANSFERS/POSTINGS:

A: Administrative Secretaries:

Sr. No.	Post/ Department	Posting area	Minimum tenure / years	Maximum tenure/ years	Repeat posting	Home Station	Remarks
1.	Secretariat Department	Civil Secretariat	01	02	After a gap of 01 year	H/A	Minimum tenure can be reduced on administrative or disciplinary grounds or upon promotion

B: Azad Jammu & Kashmir Administrative Service:

Sr. No.	Post	Posting area	Minimum tenure / years	Maximum tenure/ years	Repeat posting	Home Station/ Division/ District	Remarks
1.	Commissioner and equivalent BS-20	AJK	01	02	After a gap of 02 years	Can be posted	Minimum tenure can be reduced on administrative or disciplinary grounds or promotion in terms of clause (b) of para 4 of this policy
2.	i. Additional Deputy Commissioner/ Deputy Commissioner BS-18/19 ii. Additional Deputy Commissioner (General) BS-18	-do-	-do-	-do-	-do-	Cannot be posted	-do-
3.	Assistant Commissioner BS-17/18	-do-	-do-	-do-	-do-	-do-	-do-

C: Azad Jammu & Kashmir Secretariat Service:

Sr. No.	Post	Posting Area	Minimum tenure / years	Maximum tenure/ years	Repeat posting	Remarks
i.	Special Secretary/Senior Additional Secretary BS-20	Civil Secretariat	01 year	03 years	After minimum gap of 02 years	Minimum tenure can be reduced on administrative or disciplinary grounds or promotions or in terms of clause (h) of Para 4 of this policy.
ii.	Additional Secretary BS-19	-do-	-do-	-do-	-do-	-do-
iii.	Deputy Secretary BS-18	-do-	-do-	-do-	-do-	-do-
iv.	Section Officer BS-17	-do-	-do-	-do-	-do-	-do-

D. Ministerial Staff Civil Secretariat (borne on the strength of S&GAD):

Sr. No.	Post	Posting area	Minimum tenure / years	Maximum tenure/ years	Repeat posting	Remarks
i.	Private Secretary BS-17	Civil Secretariat	01 year	03 years	After minimum gap of 02 year	Minimum tenure can be reduced on administrative or disciplinary grounds or promotions or in terms of clause (h) of Para 4 of this policy
ii.	Superintendent BS-17	-do-	-do-	-do-	-do-	-do-
iii.	Assistant B-16	-do-	-do-	-do-	-do-	-do-
iv.	Personal Assistant BS-16	-do-	-do-	-do-	-do-	-do-
v.	Senior Scale Stenographer BS-16	-do-	-do-	-do-	-do-	-do-
vi.	Stenographer BS-14	-do-	-do-	-do-	-do-	-do-
vii.	Section Clerk BS-14	-do-	-do-	-do-	-do-	-do-
viii.	Naib Qasid BS-1	-do-	-do-	-do-	-do-	-do-

E. Tenure of transfer/posting of Police Service:

Sr. No.	Post	Posting area	Minimum tenure / years	Maximum tenure/ years	Repeat posting	Home Station	Remarks
i.	Deputy Inspector General BPS-20	AJK	01	02	After a gap of 02 years	Can be posted	Minimum tenure can be reduced on administrative or disciplinary grounds
ii.	Senior Superintendent of Police/Assistant Inspector General BPS-19	-do-	-do-	-do-	-do-	Cannot be posted	-do-
iii.	Superintendent of Police BS-18	-do-	-do-	-do-	-do-	-do-	-do-

7. SAFEGUARD AGAINST EXTERNAL INFLUENCE:

The officers or employees shall not bring any outside influence with regard to their transfers as provided in AJ&K Government Conduct Rules, 1981. If such an influence from whichever source pertaining to the case of an employee, is received it


shall be presumed that the same has been brought by the employee concerned and disciplinary action may be initiated against such officers/officials under AJ&K Civil Servants Efficiency & Discipline Rules, 1977 and an entry to this effect shall be made in his service record.


(Amjad Ali Minhas)
Additional Secretary (Reg.), S&GAD

Schedule

List of Departments

- 1) Services & General Administration Department
- 2) Finance Department
- 3) Planning & Development Department
- 4) Elementary & Secondary Education Department
- 5) Health Department
- 6) Communication & Works/Physical Planning & Housing Department

 4/11/22