RBE NO. 8 /2019

**GOVERNMENT OF INDIA**
**MINISTRY OF RAILWAYS**
**(RAILWAY BOARD)**

No. E(NG)I-2018/TR/8 New Delhi, dated 11 .01.2019

The General Managers(P),
All Zonal Railways & Production Units.
(As per standard list).

Sub : Comprehensive policy on Mutual Transfer of non-gazetted staff on the Zonal Railways.

Policy instructions regulating transfer on Mutual Exchange basis and assignment of seniority thereafter are contained in the Para 230 of IREC Vol.I and Para 310 of IREM Vol.I 1989 Edition. Administrative instructions for effecting such transfer(s) have also been issued from time to time. Recognising the need to consolidate and supersede the obsolete/antiquated instructions, this circular lists out all the updated policy instructions on the subject as on date in supersession of all the earlier instructions.

**2. Definition** : Any Railway servant who is member of Railway services of a Railway/Division/Unit can seek Mutual transfer with the employee of another Railway/Unit/Division working in same grade or by reverting willingly and unconditionally (if working in higher/different grades) subject to provisions contained in Para 226 of IREC Vol.I.

**3. Powers :-** DRMs have full powers to effect Mutual transfer of divisionally controlled post. CWMs are vested with full powers for Workshop controlled posts. As regards Head Quarter controlled posts, the General Manager is competent authority or any lower authority to whom powers have been delegated.

**4. Assignment of seniority on transfer on Mutual Exchange basis**

4.(i) **(Codal Provisions) :** In such cases, the senior of the two employees will be given the place of seniority vacated by the junior employee. The junior on joining the new unit will be allowed to retain his former seniority and shall be placed into the seniority below the persons having the same seniority ( Para 230 of IREC Vol.I refers).

4(ii) **IREM Provisions** : Railway servants transferred on mutual exchange from one cadre of a division, office or railway to the **corresponding cadre** in another Division, office or railway shall retain their seniority on the basis of the date of promotion to the grade or take the seniority of the railway servants with whom they have exchanged, whichever of the two may be lower ( Para 310 of IREM Vol. I refers).

4(iii) **Corresponding cadre :-** The General Managers of the Zonal Railways themselves or the lower authority to whom powers have been delegated may decide whether it is corresponding cadres of the two employees seeking mutual transfer. {Board's letter No. E(NG)I-2015/TR/15 dated 02.03.2016 & 4 (ii) refers}.

4(iv) **No backtracking once Mutual Exchange agreed** :- Since mutual transfers are ordered with the consent of both the parties, it should be made clear right at the time of forwarding applications for mutual transfer that no request for backtracking from Mutual exchange arrangement will be entertained under any circumstances. {Board's letter No. E(NG)I-2006/TR/6 dated 21.04.2006 ( R.B.E. No. 53/2006) refers}.

**5. Community Restrictions** :-

(i) Hon'ble High Court of Kerala at Ernakulam vide their order dated 07.06.2005 in O.P. No.2150/02 while partially upholding the order of CAT, Ernakulam Bench dated 31.12.2001 in OA No. 851/1999, held that mutual transfers should be allowed between staff belonging to the same category (i.e. General with General, SC with SC and ST with ST). Subsequently in OA No.612/2005 the CAT, Ernakulam Bench directed that the Railway Board should decide the policy arising out of High Court of Kerala's order dated 07.06.2005 referred to in this para, as expeditiously as possible.

(ii) In the light of the above, Ministry of Railways have decided that in order to maintain the balance in the post-based rosters with reference to reservations prescribed for SC and ST staff and to avoid hardship to staff in the feeder grade in the matter of their promotion, transfers on mutual exchange basis should be allowed between employees belonging to the same category (i.e. General with General, SC with SC and ST with ST). However, transfers on bottom seniority in recruitment grades need not be restricted with reference to points in the post based rosters. The procedure being followed generally in this regard to adjust shortfall/excess in future may continue. But such transfers should be allowed only repeat only against vacant direct recruitment quota posts and not against promotion quota posts. The above instructions do not in any way alter the existing procedure as laid down by this Ministry regarding operation/maintenance of post-based rosters. {Board's letter No. E(NG)I-2004/TR/16 dated 14.08.2007( R.B.E. No.107/2007) refers}.

**6.** In the context of the above instructions, the following doubts had been raised:-

i) Whether the restriction does not apply to employees belonging to OBCs as the same has not been mentioned in the instructions ibid; and

ii) Whether the restrictions on mutual transfer will apply when such transfers take place in recruitment grades.

**6.1.** The matter had been considered carefully and clarified item-wise as under :-

i) There being no reservation in posts filled by promotion for OBCs, the term 'General' should include OBCs also. In other words, staff belonging to General/OBC categories may contract mutual transfers with staff belonging to General/OBC.

ii) In view of the fact that the instructions dated 14.08.2007 do not impose any restriction on transfer on request on bottom seniority in recruitment grades, mutual transfer in the recruitment grades will also be allowed without restriction provided:-

a) The posts in the grade are entirely filled by direct recruitment from open market;

b) In case where posts in the grade are partly filled by promotion and partly by direct recruitment, both the employees seeking mutual transfer should have been recruited directly from the open market; the intention being that both of them should be borne in the post based rosters maintained for direct recruitment. In other words, if one or both

the employees are borne in the post-based rosters maintained for promotion, the restriction on mutual transfer as per instructions dated 14.08.2007 will apply. {Board's letter No. E(NG)I-2004/TR/16 dated 22.10.2007 ( R.B.E. No. 134/2007) refers}.

6.4. **List of Documents :-** (a) The application containing all the necessary details should be made in as many copies as the level/officers through which the application has to pass through including the Unit/Division/Railway to which the transfer is sought for.

(b) All the copies should have a recent passport size photograph of the employee firmly pasted/affixed on the top-right corner of the application.

(c) The application should be accompanied by an additional identical passport size photograph which may be affixed /pasted similarly on the Memorandum/Order sparing the employee for transfer as and when issued.

(d) The immediate supervisor/officer of the employee concerned before forwarding the application for further necessary action should attest the photograph affixed on each copy of the application in such a manner that the signature and the rubber stamp below that appear partially on the photograph and partially on the paper outside the photograph.

(e) The rubber stamp should clearly indicate the name and designation of the Supervisor/Officer attesting and forwarding the application.

(f) Each level/Office will retain a copy of the application complete in all respects as per details mentioned above before forwarding the same to the higher authority or Unit to which the transfer has been sought for, as the case may be. The particulars filled in should be checked and certified to ensure no discrepancies are there especially whether the employee is regularly promoted or on ad-hoc in that particular grade.

(g) The application should be registered and appropriate priority number allotted as per extant procedure and the employee advised of the same.

(h) After the request for transfer has been accepted and necessary orders issued by the competent authority, Memorandum/Order sparing the employee should have the photograph of the employee (received from him at the time he made the request initially) pasted on it duly attested in the manner indicated in (d) above. The Memorandum/Order should also have the signature of the transferred employee and his left thumb impression both of which should be duly attested by the officer signing the Memorandum/Order with his name and designation appearing below the signature.

(i) When the transferred employee presents himself in the new Unit with the original Memo sparing him for transfer, necessary details like his photograph, signature etc should be carefully matched before he is allowed to join. If, in any case, the details match prima-facie but still reasonable doubt persists and consultation/enquiry/verification of genuineness is warranted with the Railway/Division/Unit from which the employee has been transferred, the same can be done as soon as possible but within a month of his joining.

(j) All communications regarding transfer should be signed by a Gazetted Personnel Officer with his name and designation appearing below the signature.

(k) The LPC should be issued immediately signed by a Gazetted Accounts Officer with his name and designation appearing below the signature.

(l) LPC should be sent under a covering letter to the new Unit to which the employee has been transferred through special messenger as far as possible whose identity should be established and noted at the time of accepting the document.

(m) The Service Book of the employee concerned duly completed should be sent to the new Unit in the same manner as in (l) above. {Board's letter No. E(NG)I-2001/TR/16 dated 21.11.2001 ( R.B. E. No. 229/2001) refers}.

7. **Relieving** :- It has been decided that all mutual transfer cases where NOC has been given by both the Railways/Units i.e. accepting and relieving, both the employees should be spared immediately within a week, without either unit waiting for the reliever. A photocopy of Service Record and unvetted LPC should be given to the employee for submission at the new Division. Original Service Records/LPC should also be sent positively within 15 days. {Board's letter No. E(NG)I-2017/TR/24 dated 09.05.2018 ( R.B. E. No. 65/2018) refers}.

8. **No applicability of corresponding cadre in erstwhile Gr. "D" ( Rs 1800/ Level-1) :-** It has been decided that an erstwhile group "D" employee working in level-1 ( G.P. Rs 1800/-) belonging to any department/cadre of a division/office/railway/P.U./Unit may be allowed to go on mutual exchange basis transfer with another employee working in level-1 ( G.P. Rs 1800/-) and belonging to any department/cadre of another division/office/railway/P.U./Unit without applicability of the term "Corresponding cadre". This dispensation is, however, subject to the fulfilment of the prescribed medical standard. The staff so transferred should invariably be imparted requisite training in the new unit wherever considered essential before putting him\her on a working post. This training period should be counted as duty. ACS No. 250 amending Para 310 of IREM Vol.I have been issued.These provisions are not applicable to non-gazetted Railway employees working in Level-2 and above. {Board's letter No. E(NG)I-2017/TR/19 dated 06.07.2018 ( R.B.E. No. 99/2018 refers}.

9. **Mutual Transfer on reversion :-** It has been decided that Mutual Transfers may also be permitted between staff in two different grades but only in the recruitment grade of the cadre and not in intermediate grades.Both the employees seeking mutual exchange shall have to give a written undertaking accepting reversion unconditionally and willingly in their own interest to the recruitment grade and bottom seniority in their respective new Unit in order to avoid future litigation. The expression mentioned in preceding lines, should necessarily be incorporated in the application submitted by the employee concerned. The "Note" below Para 2 (b) (iii) of Board's letter No. E(NG)I-2017/TR/24 dated 22.09.2017 as mentioned in para 1 above stands deleted. Other terms and conditions for mutual exchange including community restrictions contained in Board's letters No. E(NG)I-2004/TR/16 dated 14.08.2007 & 22.10.2007 remain. (Board's letter No. E(NG)I-2018/TR/08 dated 26.10.2018 refers ).

10. **Model Timelines** to deal with Mutual Transfer cases :-

| S.N. | Activity | |
|---|---|---|
| (i). | **Forwarding of applications by Supervisors to the Personnel Department of the Division :** It should be verified at the stage that the prescribed application form is complete in all respects duly signed by both employees and the information given therein is correct. In case of Workshop staff, this will be done at the Workshop itself.<br><br>**10 days** | |
| (ii). | **Forwarding by Divisional Personnel Department :-**<br><br>(a) Divisional controlled posts :- Divisional Personnel Department will forward the request application with necessary documents directly to the Division concerned to which transfer is sought. The name and designation of the officer signing the letter should invariably be mentioned in the forwarding letter. In respect of Workshop staff, this will be done by Chief Workshop Manager ( CWM) or by lower authority to whom the powers may be re-delegated.<br><br>(b) HQ controlled posts :- Personnel Department will forward the application with all the necessary documents to Zonal HQ (CPO office).<br><br>**15 days** | |
| (iii). | **Forwarding by HQ Personnel deptt ( For HQ controlled posts):-**<br><br>On receipt of the application duly forwarded from Division/Workshop, the HQ Personnel Deptt office will forward it to the Zonal Rly/PU concerned.<br><br>**15 days** | |
| (iv). | **Conveying of acceptance :-** The counter-part HQ/Division to issue their acceptance to forwarding HQ/Division ( as the case may be).<br><br>**10 days** | |
| (v). | **Issue of Transfer Order :-** On receipt of consent from the receiving HQ/Division, the transfer orders should be issued.<br><br>**10 days** | |

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| (vi). | **Dispatch of LPC and Service Records:-** Personnel Department concerned should ensure that the LPC and Service Record of the employee(s) are sent expeditiously to the new Division/ Zone etc. in terms of Boards letter number E(NG)I-2001/TR/16 dated 21.11.2001. Attested Xerox copy of the Service Record should be given to the employee concerned.<br>**15 days** |

{Board's letter No. E(NG)I-2017/TR/24 dated 22.09.2017 ( R.B. E. No. 131/2017) refers}.

**11. Technical assistance :-** The request for Mutual Transfer should be updated electronically so that there is no opportunity to make any grievances. For this purpose use COMPTRAN soft-ware to register and monitor all the cases of Inter-Railway Transfer as advised under Board's letter No. ERP/Portal-Transfer/2013 dated 08.08.2018.

Please acknowledge receipt.

Hindi version will follow.

**(M.K. Meena)**
**Deputy Director Estt.(N)**
**Railway Board**