

No. A-60011/75/2025-Admin-I(LA)

Government of India
Ministry of Law & Justice
Department of Legal Affairs

Shastri Bhawan, New Delhi
Dated the 17th June, 2025

18th

OFFICE MEMORANDUM

Subject: - 'Transfer Policy' of Department of Legal Affairs (DLA) – reg.

The undersigned is directed to enclose a copy of newly framed Transfer Policy of the Department of Legal Affairs for information.

2. This issues with the approval of the Competent Authority.

Encl. As above.

V. S. Chauhan
18/06/25
(V.S. Chauhan)
Under Secretary

Copy to:

1. PS to Hon'ble MoSL&J (I/C) /PSO to Law Secretary/PSO to AS(SMA)/Sr. PPS/PPS to JS&LAs/ PSO to CCA/PSO to JS(AKA)/PPS to Sr. GA (MCP);
2. In-charge, Branch Secretariats (Bengaluru/ Kolkata/ Chennai/Mumbai), In-charge, Central Agency Section/ Lit. (HC)/ Lit. (LC);
3. Cash / Admn.II/ Admn.IV Sections;
4. All the sections in DLA/ Branch Secretariats;
5. e-office portal;
6. NIC, DLA for uploading on the website of DLA

Transfer/ posting policy for the Officers of Indian Legal Service (ILS) and General Central Service (GCS) in the Department of Legal Affairs

1. Introduction

Department of Legal Affairs, Ministry of Law and Justice has main Secretariat located in New Delhi and four Branch Secretariats at Kolkata, Mumbai, Bengaluru and Chennai. The Officers of Indian Legal Service (ILS) and General Central Service (GCS) are posted in these offices and are liable to transfer and posting anywhere in India.

2. Principles

- i. Interest of the Department shall be given highest consideration during the transfer and posting and administrative requirements shall be paramount while considering any transfer as per this policy. Hence, transfer to a particular place cannot be claimed as a matter of right and shall be subject to administrative feasibility.
- ii. To maintain equitable distribution of officers at various Branch Secretariats to ensure optimal functioning, while at the same time meeting organizational requirement of officers with varied experience and enriched domain expertise.
- iii. To groom officers for higher and varied responsibilities with utilization of their experience and to provide them an opportunity to improve their proficiency, capacity building and career progression.
- iv. To have right person at right position and place ensuring transparency in transfer and posting.
- v. To implement Central Vigilance Commission (CVC) guidelines regarding rotation of officers in sensitive/ non-sensitive posts.

3. Definitions

3.1 Competent Authority: As defined in clause 13 of this transfer policy

3.2 Transfer/ posting during the year: As defined in clause 6 of this transfer policy.

3.3 Choice Place: The place where an officer prefers to be posted.

3.4 Branch Secretariat: Branch Secretariats at Kolkata, Mumbai, Bengaluru and Chennai.

** 'Main Secretariat shall include offices located in Delhi.*

3.5 **Tenure:** Continuous stay at a station for a specified period defined under this policy irrespective of the post/ offices within the same station. This would include all types of leave, but not include deputation/ diversion period.

3.6 **Transfer year:** The year in which the Annual General Transfer takes place.

4. Maximum and Minimum Tenure

4.1 All transfer/ postings of officers shall normally be for a period not less than three years, provided there is no serious complaint of misconduct or misdemeanour against the officer; or it is expedient in public interest to transfer him/ her before completion of minimum tenure.

4.2 No officer shall remain attached to a post identified as sensitive, for more than three years in accordance with instructions issued by Central Vigilance Commission (CVC). Compliance of rotation between sensitive and non-sensitive posts shall be ensured by the Department.

4.3 Maximum tenure at a Branch Secretariat shall be 05 (Five) years and maximum tenure at an office/ under a group head shall be 4 (five) years. In the case of posts identified as sensitive, the provisions contained at 4.2 above shall be applicable.

4.4 Transfer of In-charge, Branch Secretariat may be considered at any time as per administrative exigency and public interest.

5. Annual General Transfers

5.1 Annual General Transfers would normally be ordered once a year in the month of April as far as possible.

5.2 Annual General Transfers shall consist of following two categories:

- i. **Tenure Completion Transfer** - Transfers of officers who have completed or will be completing the prescribed maximum tenure as on 31st March of the Transfer Year; and
- ii. **Request Transfer** - Request for transfer on any ground from the officers who have completed or going to complete minimum tenure of three years under the jurisdiction of respective place as on 31st March of the Transfer Year. Request Transfer shall not be a matter of right and shall be subject to administrative feasibility.

5.3 Officers under clause 5.2 shall have to file their applications, duly forwarded by In-charge, Branch Secretariat/ Group Head, opting up to **4 (four) places** in the order of preference. It shall be the responsibility of the In-charge, Branch Secretariat/ Group Head to ensure the veracity of the service details, past posting details and other information given in request. The options for choice stations once exercised shall be final.

5.4 In case an officer who has completed his/ her prescribed maximum tenure and no option for choice station is received from such officer, he/ she will be transferred/ posted as per administrative requirements.

6. Transfer/ posting during the year

6.1 Transfer/ posting on administrative grounds

The Competent Authority, for smooth functioning of the Department and in public interest, may transfer any officer in the mid of the year on account of administrative exigencies, by recording the reasons on the file, in the following circumstances:

- a. Death/ Resignation/ Retirement/ Promotion of incumbents;
- b. verifiable complaint;
- c. suspension and initiation of criminal proceedings;
- d. recommendations of Complaint Committee constituted for the purpose of inquiry into the complaints of sexual harassment at workplace; and
- e. any other administrative exigency and public interest.

6.2 Transfer/ posting on promotion

Officers covered under this policy on promotion are liable to be transferred and posted anywhere. However, the maximum tenure prescribed at the present station under this policy shall also be taken into account while deciding such transfers. Accordingly, the competent authority shall decide his/ her transfer/ posting on promotion.

7. General guidelines/ criteria for transfer and posting

7.1 Tentative vacancy position (including likely vacancies in ensuing twelve months due to retirement etc.) at various Branch Secretariats, for the purpose of transfer, will be circulated at the time of inviting applications under Annual General Transfer. Though, mere existence of a vacancy at a station shall not

entitle an officer serving at that station to remain posted at that station; or an officer serving outside that station to be posted to his/ her choice station(s).

7.2 All requests for choice postings shall be considered by the Transfer Committee, station wise in order of preference opted by the officer(s) concerned subject to administrative feasibility and availability of vacancies.

7.3 In case where an officer has completed maximum prescribed tenure at a station/ office/ sensitive post and could not be recommended for transfer at his/ her opted choice stations as per clause 7.2 above, it shall be the endeavour of the Transfer Committee to recommend his/ her transfer in the offices within his/ her existing place of posting; failing which in nearby places, subject to administrative feasibility. However, the transfer committee can recommend transfer any place taking into account functional and administrative requirements.

7.4 Transfer/ posting of officers of the Department will be considered as per DoPT guidelines on the subject issued from time to time as well as administrative requirements.

7.5 The station seniority of the officer in the station from which such transfer is being proposed shall be the primary criteria for transfer. In other words, officer posted at a station for a longer period shall be considered for transfer out first whenever a transfer is considered.

7.6 In case the number of applications for a particular station is more than the number of vacancy(ies) available or requirement, preference will be given to those candidates who have not served at that station ever before or served lesser tenure in contrast to other officers opted for that station.

7.7 Notwithstanding the provisions in para 7.6 above, in the case of officers retiring on superannuation in the ensuing two years, efforts will be made to accommodate their requests subject to administrative exigency. However, in such cases it will be incumbent upon the officer concerned to indicate that he/ she is retiring within two years.

7.8 Request from In-charge Branch Secretariat/ Group Head for retention of officers at any office/ Headquarters, New Delhi beyond the prescribed maximum tenure may be considered by the competent authority at any time and for a specific period of time keeping in view administrative requirements, exigencies of work and public interest. In such cases, the decision of the Competent Authority shall be final.

8. Mutual Transfer

The guidelines related to transfer on joint mutual requests of two Officers shall be as under:

- a. Officers who have been transferred in the preceding years AGT or mid of the year and have joined their place of posting shall be eligible to be considered under mutual request ground in the subsequent years' AGT.
- b. Officers seeking a mutual exchange of postings may submit request specifying the name of the Officer with whom they wish to exchange. The Officer they wish to exchange with must also submit a similar request, specifying the name of the other Officer involved in the mutual exchange.
- c. Both the Officers requesting for Mutual Transfer should be from the same cadre and discipline and submit a joint mutual request for Transfer;
- d. The requests from both the officers should have been recommended by the respective In-charge Branch Secretariats/ Group Head.
- e. Mutual transfers shall be ordered at the own cost of the officers concerned.
- f. Mutual Transfers shall not be matter of right and shall be subject to administrative feasibility.

9. Up-dation of past transfer/ posting details

The transfer/ posting details under the service records shall be the basis of ascertaining the tenure of officer at an Office/ station for the purpose of this policy. Hence, it shall be responsibility of respective In-charge Branch Secretariat/ Group Head for correctness of past posting details under the records of Service Book of the officer concerned.

10. Transfer Committee

10.1 There shall be a Transfer Committees for making recommendations in respect of the transfers under this policy. The Transfer Committee shall consider all such matters placed before it and makes its recommendations as per the provisions under this transfer policy.

10.2 Composition of Transfer Committee:

S. No.	Designation of the officer	
1.	Additional Secretary/ Joint Secretary in charge of Admin. I (LA) Section	Chairperson
2.	Joint Secretary/ Addl. LA/ Director nominated by Law Secretary	Member
3.	Director/ Deputy Secretary (Admin.- I)	Convenor Member

10.3 Keeping in view the administrative requirements, recommendations for the Annual General Transfer shall be made by the Transfer Committee as per the general guidelines/ criteria and other provisions prescribed in this transfer policy. Recommendations of the Transfer Committee would be placed before the Competent Authority prescribed for the purpose in this transfer policy.

10.4 Transfer Committee shall record reasons for each of its recommendations. After approval by the competent authority transfer orders will be issued and published on the website.

10.5 Model Calendar for various procedure/ actions related to the 'Annual General Transfer' shall be as prescribed in the '*Annexure – I*' enclosed to this policy.

11. External influence

No officer shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his/ her interest in respect of matters pertaining to his/ her service including transfer in the Department. Any violation shall attract actions including disciplinary action as per the provisions of rule 20 of the CCS (Conduct) Rules, 1964.

12. Miscellaneous:

12.1 Officers are expected to carefully indicate their choice of stations in the order of preference as the consideration for a particular station will be considered among the Officers with reference to the preferences given for the said station. Choice station(s) once exercised shall not be allowed to be modified or withdrawn.

12.2 If any officer furnishes false information/ documents for claiming transfer under this policy, he/ she shall render himself/ herself liable for disciplinary action as per the provisions of service conditions and relevant rules.

12.3 Once a transfer order of an officer has been issued by the prescribed Competent Authority, the officer concerned will not be granted leave of any kind by his/ her controlling authority. All requests for leave of any kind after transfer order, till joining at new station, will be sent to the In-charge through e-mail only.

12.4 Once Annual General Transfer order has been issued, the officer concerned shall be relieved from his/ her place of posting with immediate effect. The employee shall, accordingly, be entitled for Joining Time/ TA/ DA as per the rules on the subject.

12.5 Guidelines for initial posting of directly recruited officers shall be as prescribed in the '*Annexure – II*' enclosed to this policy.

13. Competent Authority

13.1 Competent Authority for the purpose of this transfer policy shall be Law Secretary.

13.2 Competent Authority shall not be bound to accept the recommendations of Transfer Committee and shall have the powers to transfer any officer without the recommendation of the Transfer Committee.

14. Powers to relax

The Law Secretary shall be competent authority to take decision and relax any of the provisions of this transfer policy for the smooth functioning of the Department.

Annexure – I**Model Calendar for Annual General Transfer***

Date by which action to be taken	Exercise
November 1	Preparatory work of Annual General Transfer.
December 15 to 31	Calling of option(s) by 31 st December through applications with tenure cut-off-date 31 st March of ensuing Transfer Year as per the provisions of this policy.
February 1 to 28/ 29	Transfer Committee to recommend Annual General Transfer.
March 1 to 15	Orders for Annual General Transfer to be issued.

Note: Reference to a date in this table shall be taken as the next working day in case the indicated date happens to be a public holiday or a closed holiday.

* As far as possible, the above Model Calendar should be adhered to. However, in case of exigencies or unforeseen circumstances, the Joint Secretary (Administration) may modify the dates giving adequate time for preparation/processing at each stage.

Annexure - II

Guidelines for initial posting of directly recruited officers in the Department of Legal Affairs

1. General Provisions:

- a. The initial posting of newly recruited officers in the Department of Legal Affairs shall be made with the approval of Law Secretary;
- b. The posting process will adhere strictly as per the guidelines outlined below, ensuring transparency and merit.

2. Criteria/ norms for initial posting:

- a. Requirement of the Department will be the priority while allocating the posting.
- b. A Committee comprising of Additional Secretary/ Joint Secretary (Admin), Director/ DS (Admin) and one member nominated by Law Secretary may recommend the initial postings.
- c. The relevant DoPT guidelines issued from time to time shall be adhered to the extent possible.
- d. The committee will submit the recommendations of the Committee for approval of the Competent Authority prescribed in clause 13 of this policy.

3. Steps to be followed by the Committee:

- a. Firstly, the number of officers to be posted at various vacant places shall be decided by the Committee taking into account the number of newly recruited officers as per the functional requirement.
- b. The committee shall make endeavour to recommend posting of new recruited officers against the posts which are lying vacant for a long time.
- c. While recommending posting of newly recruited officers, the Committee shall make efforts to accommodate the officers with benchmark disability at/ near his/ her home town.

4. Minimum Tenure for fresh recruits:

- a. The fresh recruits will be posted for a minimum tenure of three years at initial place of posting.

- b. No transfer request will be considered before completion of minimum tenure. However, on account of administrative exigency and/or functional requirement, transfer may be considered before completion of minimum tenure as per the provisions contained in this transfer policy.
