

From

The Additional Chief Secretary to Govt. of Haryana,
Administration of Justice Department

To

✓ The Director of Prosecution, Haryana
Panchkula

Memo No. 9/10/2017-1JJ(1)

Dated : 15.11.2018

**Subject:- Online Transfer Policy for Assistant District Attorney in
Prosecution Department, Haryana - issuance of Policy thereof.**

Reference your letter Memo No. AP(2)-2018/22023 dated 31.10.2018
on the subject noted above.

2. After due consideration, the Government of Haryana has approved
online transfer policy to regulate the transfers of Assistant District Attorneys in
Prosecution Department, Haryana vide its Memo No. 9/10/2017-1JJ(1), dated
10.09.2018 and approved the implementation thereof vide letter Memo No.
9/10/2017-1JJ(1) dated 13.11.2018, is hereby issued as follows:-

1. VISION

To ensure equitable, demand based transfer of Law Officers and optimize job
satisfaction amongst its employees in a fair and transparent manner.

2. BASIC PRINCIPLES:

Unless protected under a provision of this policy, every Law Officer
completing 5 years stay/tenure at a particular office/station of the State shall
be compulsory transferred.

3. DEFINITIONS

a) In this policy, unless the context requires otherwise:

b) Law Officer for purpose of this policy only means Assistant District
Attorney of Prosecution Department, Haryana.

c) Court posting means any Law Officer posted in office of District
Attorney at district/Sub-Division Level and doing the work in any
Court as Govt. Pleader/Assistant Public Prosecutor/Public Prosecutor.

4. MAIN FEATURES:

a) Law Officers who are members of State Cadre are liable to be
transferred anywhere in the State, as the case may be, at any point of
time.

b) This Transfer Policy shall be applicable from date as decided by
Government.

c) This policy shall be web enabled just like School Education Department
Haryana and have provision for online updation from time to time.

d) General transfer shall be carried out once in a year online under this
policy.

e) Unless protected under a provision of this policy, every Law Officer
completing 5 years stay/tenure at a particular office/station of the
State shall be compulsory transferred.

Sangwan

- f) Decision of allotment to a vacancy shall be based on the total composite score of points earned by a Law Officer, out of 80 points as described for merit criteria in Para 6. The Law Officer earning highest points shall be entitled to be transferred against a particular vacancy.
- g) Age shall be the prime factor for deciding the claim of the Law Officer against a vacancy since it shall have weightage of 58 points, out of total 80 points.
- h) To take care of categories like women, widows, widowers, differently abled persons, serious ailment, a privilege of maximum 22 points can be availed by the Law Officer of these categories (hereinafter to be referred as Special Category).
- i) The law officer will be restricted to post in their home district as per government policy 13.09.91 and the law officer working in their home districts without any relaxation in government instructions will compulsorily transferred out of their home districts online.

5. TIME SCHEDULE:

- a) Periodicity of the transfers: General transfers will be made only once in a year in the month of February, to be effective before 15th March. However, transfer/ posting necessitated by promotions/ direct recruitments/ misconduct can be made anytime to meet administrative exigencies, operational efficiency and suitability.
- b) Qualifying date for calculating number of vacancies, merit points and stay at a place of posting shall be 01st January of the calendar year in which the transfers are to be made.
- c) Transfer process will start in the month of January and will be completed by 15th March of each year and it will include following processes:-
- Rationalization of posts.
 - Computerization of relevant record of employees.
 - Preparation of vacancy list including actual vacancies and deemed vacancies.
 - Seeking 'Yes/No' option for transfer from eligible employees for voluntary participation.
 - Notification of final list of vacancies to be filled/blocked.
 - Seeking preferences for choice of stations.
 - Generation of transfer orders (on last day of February).

6. MERIT CRITERIA FOR ALLOTMENT OF POSTS:

- a) Merit for allotment of vacant post to an employee shall be based on the total composite score of points earned by the employee, out of 80 points as described below. The employee earning highest point shall be entitled to be transferred against a vacancy available as per his choice/ preference, subject to his order in merit.
- b) Age shall be the prime factor for deciding the claim of an employee against a vacancy since it shall have weightage of 58 points, out of total 80 points. Accordingly maximum 58 points for age shall be given.
- c) To take care of categories like women, widows, widowers, differently abled persons, serious ailment, a privilege of maximum 22 points can

of

M. Saigrao

be availed by the Law Officer of these categories (hereinafter to be referred as Special Category), which has been described as under:-

(a) Age				
Sr. No.	Major Factor	Sub-Factor	Max. Points	Criteria for calculation
(i)	Age [Present date minus (-) Date of Birth]	Eldest person shall get maximum points	58	Age in number of days ÷ 365 = (Maximum four decimal points only)
(b) Special Category enumerated herein after:				
Sr. No.	Major Factor	Sub Factor	Max. Points	Criteria for calculation.
(i)	Gender	Female	10	10 points shall be given to all female law officers
(ii)	Special Category Female law officers	Widow/divorced/separated/unmarried female law officers /wife of serving Military personal/ Paramilitary personal working outside the State.	10	All female of this category shall be given 10 marks only.
(iii)	Special Category male law officers	Widower who has not remarried and has one or more minor children and/or unmarried daughter (s)	10	Eligible widowers shall be given 10 points.
(iv)	Differently abled persons	Vision Locomotors Deaf & Dumb.	20 20 20	40% to 60% disability = 10 Marks. Above 60% to 80% = 15 Marks Above 80% = 20 Marks.
(v)	Diseases of "Debilitating Disorders"	Self Spouse/ unmarried Children	10 10	Valid certificate issued during last one year by AIIMS (including its branches in Haryana), PGI Rohtak, PGI

Singh

				Khanpur Kalan, Kalpana Chawla Medical College, Karnal, PGI Chandigarh or duly constituted Medical Board only.
(vi)	Differently abled or mentally challenged	Men/Women having Mentally challenged or 100% differently abled child.	10	Men/Women law officers having mentally challenged or 100% differently abled children shall be provided maximum 10 points.
(vii)	Couple Case		10	Spouses working in State Govt., PSUs created under Acts/Govt. University, Govt. Corporation/ Board, Union of India & Govt. Bank.

Note:

1. Only notified diseases shall be considered for merit points under the category of "Diseases of Debilitating Disorders".
2. If husband and wife, both are working in Prosecution Department, the benefit of 10 points under para 7(b)(vi) above can be claimed by only anyone of them.
3. The Law officers belonging to special category shall be entitled to the maximum 22 points only.

7. PROCEDURE AND GUIDELINES TO BE ADOPTED

- i. The transfer exercise shall be carried out online only through approved web-based application of department.
- ii. Merit criteria for allotment of station will be as per Para 6 above.
- iii. All transfers shall be implemented within seven days of its issuance. The Treasury Officers concerned shall not draw the salary of the employees who have not complied with the orders.
- iv. There shall be two type of vacancies which shall be included in the process of transfer:-
 - a) **Actual Vacancy:** A post not occupied by any Law Officers whether serving in regular capacity or by a temporarily.
 - b) **Deemed Vacancy:**

Ne



- a) Involuntary deemed vacancy: Any post held by a Law Officer for a period of five years or more on the qualifying date in present office of posting; or
- b) Voluntary deemed vacancy: A post occupied by such law Officer who has opted for voluntary participate in general transfer drive even if he is not completed the minimum tenure criteria of five year meant for compulsory transfer, but has completed one year in office/station.
- v. Some vacancies of all categories of law officers may remain unfilled at any given point of time due to shortage of Law Officers in the department. To avoid disproportionate concentration of Law Officers in some office, the department may block some actual vacant posts to be kept vacant in the transfer drive.
- vi. Law Officer suffering from:-
- 100% vision loss; or
 - 100% locomotors disability for any reason; or
 - Currently suffering from cancer; or
 - Having undergone bye-pass heart surgery; or
 - Kidney transplant; or
 - Currently undergoing dialysis;
- shall be assigned 80 points, if they are willing to participate in a transfer drive. Otherwise, they shall not be transferred, if they are not willing to participate in a transfer drive. However, the medical certificate should not be more than two years old. Further, there will not be any bar to opt any station for these categories of law Officer.
- vii. Law Officer having 24 months (2 years) or less in retirement shall not be transferred if they are not willing to participate in transfer drive. However he may voluntary participate in the transfer drive.
- viii. All the law officer who has completed five years of service at an office/station, shall be eligible for compulsory transfer through online, annual transfer drive. However, if they did not opt for any station/office, they shall be transfer to "anywhere" on vacant post by online portal.
- ix. The Law Officer posted in Legal Cell of any department/office may opt for any other office/department on same station and law officer posted in Court may also opt any office/department at same station, but could not opt for court posting.
- x. A law officer who has completed one year of services at stations/offices shall be eligible for voluntary participation in the online transfer drive.
- xi. A Law Officer shall be eligible to opt any number of stations/offices. He will be free to give preferences in order of his suitability.
- xii. All Law Officer shall be opt maximum station/office as suitable to them. if law officer could not be allotted opted station/office as per his merit he shall be posted on un-opted stations in "Anywhere" category.




- xiii. Unmarried female law officers upon marriage, married female law officers upon divorce or death of spouse can be transferred to any station on her request by the department as per requirement and availability of vacancy at anytime.
- xiv. Law Officer who was given fresh appointment through direct recruitment/promotion/repatriation shall be posted at station as per requirement and availability of vacancy by the department without putting them into online transfer drive.
- xv. In administrative exigency, the Administrative Secretary of the department shall be at liberty to transfer any Law Officer at any station/office at any time.
- xvi. Law Officer who became surplus from a station/office at any time, shall be posted at any station/office by the Department as per requirement.
- xvii. Every Drawing & Disbursing Officer will be responsible for the accuracy and regular updation of data of Law Officer in the Management Information System (MIS) on the web portal of the department in respect of his credentials meant for such purpose.
- xviii. The general annual transfer drive shall be carried out only through approved web based online application/ portal of the department.
- xix. The Department may transfer any Law Officer on administrative grounds of misconduct at any time and such Law Officer will not be transferred back to the same station/office from where transferred on such grounds.
- xx. Within 15 days of issuance of orders of transfer, the Law Officer aggrieved with the transfer process can represent to the department after joining at new place of posting, on online grievance redressal forum to be provided by the department in this behalf. Their representation shall be considered in accordance with the policy and appropriate decision shall be conveyed to them.
- xxi. No Law Officer shall be posted in his home district as per policy of Govt. issued from time to time on this subject matter.
- xxii. Law officer may be re-posted in Court in same district or same office, only after tendering three years of service outside of that district/office.
- xxiii. If vacancies still remained unfilled in any courts at district or sub division level or at any office due to non option by any law officer or due to any other reason after completion of online transfer drive, the government on recommendation of Director Prosecution may transfer any law officer manually against these vacancies, so that work of court/office may not suffer.

8. OUT OF CADRE TRANSFER

Any Law Officer transferred and posted in any board/ corporation University etc., of the State through online transfer drive, shall be treated on deputation in that board/corporation/University etc. and he shall be eligible for

M


compulsory transfer after completion of 5 years of service at such board/corporation/University etc.

9. POWER OF RELAXATION

Notwithstanding anything contained in the policy, the Administrative Secretary, Department of Administration of Justice, Haryana with the prior approval of the Chief Minister, Haryana, shall be competent to transfer any law officer to any place in relaxation of any or all of the provisions of this policy

10. CLARIFICATION & IMPLEMENTATION

In case of any doubt or difficulty in making out the true intention of the provisions of this policy, the Administrative Secretary of the department shall be competent authority to clarify such doubt or to remove such difficulty by issuing an order to that effect and same will be considered as part of this policy.

11. BAR AGAINST CANVASSING

No Law Officer shall canvass for his case except through the grievance Redressal mechanism provided for in Para (xx) of the policy.

Dated Chandigarh,
the 15.11.2018

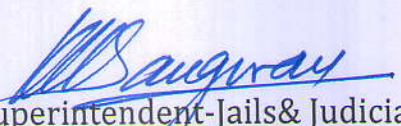
Dr. S.S.Prasad
Additional Chief Secretary to Govt. Haryana
Department of Administration of Justice

Endst No. 9/10/2017-1JJ(1)

Dated Chandigarh, the 15.11.2018

A copy is forwarded to the following for information and necessary action:-

1. All the Administrative Secretaries in Haryana.
2. All the Head of Departments in Haryana.
3. All the Managing Directors of Boards and Corporations in Haryana.
4. The Director, Information Public Relations and Cultural Affairs, Haryana, Chandigarh for wide publication.
5. All the Deputy Commissioners/ District Attorneys in Haryana.


Superintendent-Jails & Judicial-I,
for Additional Chief Secretary to Government,
Haryana, Admn. of Justice Deptt.