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## PART-I

### Notifications, Orders and Declarations by Haryana Government

#### HARYANA GOVERNMENT

#### ADMINISTRATION OF JUSTICE DEPARTMENT

#### Notification

The 21st January, 2022

#### ONLINE TRANSFER POLICY OF DEPUTY DISTRICT ATTORNEYS AND ASSISTANT DISTRICT ATTORNEYS

**No. 9/1/2021-1JJ(1).**— In Exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Haryana hereby makes the following Online Transfer Policy for the Deputy District Attorneys and Assistant District Attorneys working in the Prosecution Department, Haryana:-

1. **Vision:-** To ensure equitable distribution of Government employees at different locations in a fair and transparent manner and to maximize job satisfaction amongst employees and further to improve performance of the Department.
2. **Application:-** This policy shall be applicable to the cadre of Deputy District Attorneys and Assistant District Attorneys of Prosecution Department, Haryana, working on regular basis.
3. **Definition:-** In this Policy, unless there be anything repugnant in the subject or context;
  - (a) **'Blocked Posts'** means vacancies of Deputy District Attorneys and Assistant District Attorneys worked out by the department under clause 4(iv) of this policy.
  - (b) **'Employees of Special Category'** means the blind employees or the differently abled employees or their child(ren) and spouse, women employees, women headed households, widows, widowers, couple case, employees suffering from Diseases of Debilitating Disorder;
  - (c) **"Government"** means Additional Chief Secretary to Govt. Haryana, Administration of Justice Department.
  - (d) **'Prescribed Tenure'** means the tenure of appointment for a period of five years, while calculating the tenure of an employee for the purpose of compulsory transfer under this policy, the date from which someone is working in a zone on 1st January of the calendar year of transfer or any other date fixed by Government shall be counted irrespective of the fact he has been appointed by temporary transfer or otherwise. However, an employee may participate voluntarily in the transfer drive subject to completion of minimum three years service in a zone;

- (e) **‘Qualifying date’** for the purpose of calculation of vacant post(s), merit points etc., shall be the 1st January of the calendar year of transfer or any other date fixed by Government for this purpose;
- (f) **‘Service’** means duty period and all kinds of leave including extraordinary leave availed by a Govt. employee during the prescribed tenure.
- (g) **‘Transfer’** means posting/appointment from one Zone to another on or before completion of prescribed tenure in a Zone;
- (h) **‘Vacant Post for transfer’** means-
- i. **Actual vacant post:** A post not occupied by any employee;
  - ii. **Deemed vacant post:** (a) A post presently occupied by an employee for a period of five years or more;
    - (b) A post on which an employee has been appointed by temporary transfer or due to non-availability of online transfer drive;
    - (c) A post occupied by an employee who has been adjudged eligible and allowed by the competent authority to participate in general transfer drive even if he has not completed the prescribed tenure in the zone where he is presently posted.
    - (d) A post held by employee who have completed minimum 03 years of service in a zone and opted for voluntary participation for the Online transfer drive.
- Note 1-** Where there are Blocked Posts in a cadre the same shall be excluded from the number of vacant posts for transfer and option of employees shall be sought only against available vacant posts after blocking of posts.
- Note 2-** The post against which an employee has been posted/transferred on compulsion of administrative reasons or under litigation shall also not be included in vacant posts for transfer.
- Note 3-** Each and every Department shall prepare the list of vacant posts for transfer and notify them for the benefit of stakeholders. Depending upon input from stakeholders, such list may be amended if required.
- (i) **‘Zone’** means a District of Haryana, every office of Head of Departments of different Departments/Boards/Corporations situated at Panchkula, Chandigarh, Delhi etc. and every office of Administrative Department at Government level of different departments at Haryana Civil Secretariat (both main and new), Chandigarh, for the purpose of calculation of prescribed tenure and entitlement of an employee for transfer from one zone to another under this policy.

It is clarified that an employee who have completed prescribed tenure of five years in any district shall be entitled to opt for any other district or any office of head of Departments/Boards/Corporations of different offices or any office of Administrative Departments at Government levels at same district for his online transfer and shall not opt any other office in same district.

However, Deputy District Attorneys and Assistant District Attorneys posted in Directorate of different Departments/Boards/ Corporations and in the government offices at Haryana Civil Secretariat situated at Chandigarh etc. can opt for any Directorate of other departments or Govt. office or District office situated at same district but he cannot remained posted in one office/department for more than five years.

It is further clarified that employee may be posted in the District/Division/Sub Division level offices, cannot opt for other District/Division/Sub Division level offices at same district. However, they may opt Directorate of different Departments/Boards/ Corporations and offices of Administrative Department at Govt. level in same district.

#### 4. General Principles:

##### i. Time Schedule for online transfers:

- (a) General transfers online will be made once in a year or as decided by Government. However, transfer/posting necessitated by promotion, direct recruitment, posts needed to be filled up in public interest, can be made manually anytime by the Administrative Secretary.

- (b) The online process will be completed upto 31st March and transfer order shall be implemented after 31st March; or any other date fixed by the department for this purposes.
- ii. **Liabile to be posted anywhere:**  
Employees are liable to be transferred under this Policy in any Zone or anywhere in the State, in public interest, on completion of prescribed tenure.
- iii. **Computerization of relevant service record of employees:**  
The Drawing and Disbursing Officer shall ensure that all employees enter their service record in HRMS. Every employee shall be responsible for the accuracy and regular updation of data in the Management Information System in respect of his credentials, otherwise the Department shall be at liberty to post him anywhere in the State.
- iv. **Rationalization and Blocking of posts:** To avoid disproportionate concentration of employees at a particular station, the department should rationalize their sanctioned posts and also block actual vacant posts or deemed vacant posts to be kept vacant in the transfer drive. In the long run, however, the departments may increase/decrease the total number of sanctioned posts as per their assessment/requirement in consultation with Work Assessment Cell in the Administrative Reforms Department and Finance Department.
- v. The Directorate's posts of Deputy District Attorneys and Assistant District Attorney shall also be included in the Transfer Drive.

**5. Merit Criteria for allotment of post:**

- (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 earned highest points shall be entitled to be transferred against a particular vacancy.
- (b) Age shall be the prime factor for deciding the claim of an employee against a vacancy since it shall have weight age of 58 points, out of total points.
- (c) A privilege of maximum 22 points can be availed by the employees of special categories as indicated below:
- (i) **Age:** The first set of merit points will be the Age of the Government employee concerned enumerated below:-

Sr. No.	Major Factor	Sub-Factor	Max. Points	Criteria for calculation
1	Age (Present date i.e. 1st January of the year of consideration minus date of birth)	Eldest person shall be given maximum points	58	Age in number of days + 365 (Maximum four decimal points only)

- (ii) **Special Category:** The second set of merit points will come from the Special Category enumerated hereinafter:

Sr. No.	Major Factor	Sub-Factor	Max. Points	Explanation
1.	Gender	Female	10	10 points shall be given to all female employees
2.	Special Category female employees	Widow/divorced/ separated/ unmarried female employee more than 40 years of age/wife of serving Military personnel/ Paramilitary personnel working outside the State	10	All female of this category shall be given 10 marks only.

Sr. No.	Major Factor	Sub-Factor	Max. Points	Explanation
3.	Special Category male employees	Widower who has not re-married and has one or more minor children and/or unmarried daughter(s)	5	Eligible widowers shall be given 5 points only.
4.	Differently abled persons	Vision	20	40% to 60% disability = 10 Marks
		Locomotors	20	Above 60% to 80% = 15 Marks
		Deaf & Dumb	20	Above 80 % = 20 Marks
5.	Diseases of "Debilitating Disorders" i.e. (a) currently suffering from cancer; or (b) having undergone by-pass heart surgery; or (c) kidney transplant; or (d) Currently undergoing dialysis.	Self	10	Valid medical certificate issued during last one year by AIIMS (including its branches in Haryana), PGI Rohtak, PGI, Khanpur Kalan, Kalpana Chawla Medical College, Karnal, PGI, Chandigarh, Medical College of Haryana Govt. or a Medical Board so constituted.
6.	Diseases of "Debilitating Disorders"	Spouse/unmarried Children	10	Valid certificate issued during last one year by AIIMS (including its branches in Haryana), PGI Rohtak, PGI, Khanpur Kalan, Kalpana Chawla Medical College, Karnal, PGI, Chandigarh, Medical College of Haryana Govt. or a Medical Board so constituted
7.	Differently abled or mentally challenged children	Male/Female employee having mentally challenged or 100% differently abled child	10	Male/Female employees having mentally challenged or 100% differently abled children shall be provided maximum 10 points.
8.	Couple Case	Male/Female Spouse	5	Employee's spouses working in any Department/Board/ Corporation under any State Govt. or Govt. of India.

**Note:** If husband and wife, both are working in any Department/Board/ Corporation under State Government or Government of India, the benefit of 05 points under category of couple case above can be claimed by only one of them for which he/she has to submit a declaration in this regard that the spouse has not taken the benefit of this category. This self declaration should be uploaded on the portal at the time of participating in the drive.

- (d) The employees who are 100% blind or having 80% or more locomotors disabilities involving both the legs shall be given their choices of posting against vacant posts only as per Clause 3(h) of this policy. However, if more than one employee of such category opted for same place posting, than the posting shall be allotted on the basis of merit points among employees of this category.

**6. Procedure to be adopted:**

- (i) Head of Department shall seek preferences for choice of station in a zone from the eligible employees for transfer. The transfer exercise shall be carried out only through approved web based application.
- (ii) The option once availed and confirmed by the employee shall be final and cannot be changed.
- (iii) An employee who is due for superannuation within one year or less service shall not be eligible to participate in the transfer drive unless he so desires.
- (iv) Merit criteria for allotment of station will be as per Para 5 above.
- (v) All transfers shall be implemented within seven days of their issuance. The Treasury Officers concerned shall not draw the salary of the employees who have not complied with the orders. However, in exceptional circumstances, the Government may extend time period for implementation of orders.
- (vi) The employee who falls under category of clause 5(d) shall be considered first for allotment of vacancy as per their choice and the female employees falling under category of clause 9 shall be considered thereafter and the case of transfer of all other employees shall be considered as per merit points against available vacancy after allotment to above mentioned categories.
- (vii) A Committee headed by the Deputy Commissioner, Chief Medical Officer and District Attorney of concerned district where employee joined after his online transfer, may recommend deputation/ temporary transfer or otherwise of an employee after the online transfer drive, on the basis of genuine and compelling reasons.

Within 15 days of issuance of orders, an employee aggrieved with the transfer process can represent to the said Committee after joining at the new place of posting, on a Grievance Redressal Forum to be provided for this purpose. The Committee will scrutinize such case and send their recommendations through Director of Prosecution, Haryana (Head of Department) to the Government, which will be dealt under relaxation clause of the Transfer Policy or otherwise.

The case of employee posted at Chandigarh through online transfer drive, shall be considered by Committee headed by Deputy Commissioner, Panchkula.

- (viii) Online general transfer due to competition of prescribed tenure of five years shall be treated as transfer in public interest and in such case the joining time and composite transfer grant shall be admissible as per provision in Haryana Civil Services (Travelling Allowances) Rules, 2016/Government instructions.
- (ix) All Deputy District Attorneys and Assistant District Attorneys, who have completed 5 years of service in any Zone shall be liable for compulsory transfer through online transfer drive. However, if they did not opt for any station/office, they shall be transfer to anywhere on vacant post by online portal.
- (x) Deputy District Attorneys and Assistant District Attorney, who has completed 3 years of service in a Zone shall be eligible for voluntary participation in online transfer drive. However, if he fail to opt any station/office after providing his consent for voluntary participation, he shall also be liable to be transferred to anywhere on a vacant post by online portal.
- (xi) All the Deputy District Attorneys and Assistant District Attorneys shall be eligible to opt any number of stations/offices from the station/offices offered to him on online portal. If Deputy District Attorneys and Assistant District Attorneys could not be allotted opted station/office as per his merit, he shall be posted on un-opted station in anywhere category by the online portal. Hence, all the Deputy District Attorneys and Assistant District Attorneys may ensure filling up of maximum preference of their choice of posting against all available choice of vacant posts as per vacancy list to avoid “anywhere in the state posting”.

- (xii) Every Drawing & Disbursing Officer will be responsible for the accuracy and regular updation of data of Deputy District Attorneys and Assistant District Attorneys in the Management Information System (MIS) on the web portal of the department in respect of credentials of employees meant for online transfer and also shall be responsible for accuracy and regular updation of data of Deputy District Attorneys and Assistant District Attorneys on HRMS.
- (xiii) No Deputy District Attorneys and Assistant District Attorneys shall be posted in his home district as per policy dated 13.09.2001 issued by Govt. as amended from time to time. Deputy District Attorneys and Assistant District Attorneys working in their home district without any relaxation in Govt. instructions will be compulsorily transferred online out of their home districts, notwithstanding their tenure of posting in such district.
- (xiv) Any Deputy District Attorneys and Assistant District Attorney 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 compulsory transfer after completion of 03 years of service at such Board/Corporation/University etc.,.
- (xv) Any Deputy District Attorneys and Assistant District Attorney may be transferred by Administrative Secretary at any time manually, if a decision is taken to initiate any regular departmental inquiry or any criminal case is under inquiry, investigation or trial against such Deputy District Attorney & Assistant District Attorney, so that such Deputy District Attorneys and Assistant District Attorneys could not influence such inquiry etc. or to maintain discipline at that office.
- (xvi) No change in the data of any Deputy District Attorneys and Assistant District Attorney shall be allowed, once the same is seized for conducting online transfer drive.
- (xvii) In case, employees are having equal merit points, then the employee senior in age shall be given preference over other for posting.
- (xviii) If vacancies still remained unfilled in any courts at district or sub divisions level or at any office due to non option by any employee or due to any other reason after completion of online transfer drive, the government may transfer any employee manually against these vacancies, so that work of court/office may not suffer.

**7. Bar against canvassing:**

No employee shall canvass for his case except through a representation to the Head of Department or to higher authorities in Haryana, as per this policy. All other individual representations shall be treated as an attempt to bring extraneous influence on the due process. No relief can be sought except the one already sought as per Para 6 above.

**8. Appointment by Promotion/Direct Recruitment etc.,:**

- (a) Employee taken in a cadre through direct recruitment/ promotion/repatriation or become surplus due to any reason, shall be posted in the zone of eligibility and availability of vacant posts by the Administrative Secretary at anytime manually.
- (b) Notwithstanding anything in this policy, Administrative Secretary may transfer or adjust any Deputy District Attorney & Assistant District Attorney manually at any time for making compliance of directions issued by any Court.

**9. Opportunity of option to certain categories:**

After the transfer drive, newly married or recently divorced or widow female employees shall be given preferred place of posting manually against vacancy upon request. However, they shall have to participate in the next transfer drive being married or divorced or widowed and at that time they shall be adjusted at any of their top three choices against available vacant posts. However, if the same choice of place of posting claimed by more than one female employee of this category then place of posting shall be allotted as per merit point.

Further, if more than three female employee comes under this category then top three choices may not be available. Therefore, female employees of this category may ensure filling up of maximum preference of their choice of posting against all available choices of vacant posts to avoid “anywhere in state posting”.

10. **Posting in remote areas:** Incentive for serving on the choice of anywhere in the State: If an employee opts for 'anywhere in the State' and is thereafter posted in an office in Morni Hills Area against a vacancy for which no employee has opted, he will be paid remuneration @ 10% of the Basic Pay +D.A. during the period of said posting provided this incentive shall not be admissible in case of transfer in home district Panchkula. However, if no one opt 'Anywhere in State' or for remote areas as defined in this para and got posted by online portal against vacancy in remote area in "Anywhere" in the State category, then said employee shall also entitle for said benefit.
11. **Clarification & Implementation:** In case of any doubt or difficulty in making out the true intention of the provisions of this policy, the Administrative Department in consultation with General Administration Department shall be the competent authority to clarify such doubt or to remove such difficulty by issuing a reasoned order to this effect and the said order shall be treated as a part of this policy.
12. **Power to relax:** Notwithstanding anything contained in the policy, the Administrative Secretary to Government of Haryana with the prior approval of the Chief Minister, Haryana, shall be competent to transfer an employee to any place in relaxation of any or all of the above provisions after recording reasons justifying such relaxation."

Chandigarh:  
The 19th January, 2022.

RAJEEV ARORA,  
Additional Chief Secretary to Government Haryana,  
Administration of Justice Department.