

Subject: Consolidated guidelines for Change of Cadre of All India Service (AIS) officers.

Rule Position:- The change of cadre of All India Service officers is governed by Rule 5(2) of the IAS (Cadre) Rules, 1954 and analogous Rules in the IPS (Cadre) Rules, 1954 and IFS (Cadre) Rules, 1966, which is as follows:-

1.1 Rule 5(2) stipulates that "the Central Government may with the concurrence of the State Governments concerned transfer a cadre officer from one cadre to another cadre."

2. Change of cadre on the ground of marriage:-

2.1 Conditions for change of cadre on the ground of marriage:-Policy for change of cadre of All India Service officers on the ground of marriage circulated vide OM No. 13017/16/2003-AIS-I dated 8.11.2004 stipulates conditions for change of cadre of All India Service officers on the ground of marriage as under-

- (i) Inter cadre transfer shall continue to be permitted for members of All India Service officers on marriage to another member of an All India Service, where the officer or officers concerned have sought a change.
- (ii) Inter-cadre transfer shall not be permitted to the home State of the officer.
- (iii) In cases of inter-cadre transfer on grounds of marriage, efforts, should be made in the first instance to ensure that the cadre of one *officer* accepts his or her spouse.
- (iv) Only in instances where both States have refused to accept the other spouse will the officers be considered for transfer by the Government of *India* to a *third* cadre subject to the consent of *the* Cadres concerned for such transfer.
- (v) Inter-cadre transfer shall not be permitted to All India Service officers on marriage to an officer serving in a Central Service/State Service/Public Sector Undertaking/any other Organization.

2.2 Procedure for change of cadre on grounds of marriage where couple belong to two different All India Services:- Vide OM No. 13017/30/2012-AIS-I dated 10.12.2013 it has been clarified that the cases where the couple officers belong to two different All India Services (AIS), out of which one is IAS, the same would be processed in the Department of Personnel & Training in the first instance. Similarly, the cases where the couple officers belong to IPS and *IFoS*, **the same** would be considered in the Ministry of Home Affairs in the first instance.

2.3 Power to approve the proposal of Inter-cadre transfer of All India Service officers on the ground of marriage: -Vide ID Note no. 1462115/PMO/2010-Pol dated 1.12.2010, the power to approve the proposal of inter cadre transfer on the grounds of marriage has been delegated to Secretary, DOPT, provided they conform strictly to the guidelines. Exceptions will have to be submitted to ACC for orders.

2.4 Relaxation of guidelines for change of cadre of lady officer borne on North East cadre on grounds of marriage:- Vide OM No. 13017/16/2003-AIS-I dated July 2006 the conditions of eligibility for inter cadre transfer on marriage ground of a lady officer borne on the cadre of All India Service have been relaxed. In case of marriage between an All India Service lady officer borne on North East cadre and an officer of another cadre, the lady officer would be mandatorily accommodated in the cadre of her spouse, if she so opts.

2.5 Procedure regarding change of cadre to a Third Cadre:- As per OM No. 13017/16/2003-AIS-I dated 18.1.2008, in cases of inter-cadre transfer of officers on ground of 'marriage' the couple should normally be transferred to one of the two cadres on which they are borne. In case of refusal of both **cadres** to accept the officer, in the first instance, the matter should be taken up formally a second *time* with both the cadres. In case of continued refusal of both the Cadres to accept the officers on grounds that are deemed by the Central Government to be genuine and satisfactory, the couple shall be transferred to one of the deficit cadres with the concurrence of the State Government concerned. The matter shall be re-visited after the category of 'deficit cadres' ceases to exist.

2.6 Definition of deficit cadre:- Vide OM No. 13017/34/2011-AIS-I dated 22.8.2012, it has been clarified that deficit cadre is one where there is a maximum percentage of shortfall of direct recruit officers vis-i-vis the direct recruit cadre strength. Shortfall may be computed on the basis of Civil List of AIS prevailing at

the time of the application for Inter-Cadre Transfer. In case of continued refusal by the cadres of the officers on which they are borne the officers would be considered for transfer to a third cadre and for this purpose Central Government will first identify three cadres, which have maximum deficit of direct recruit officers as a percentage of all the DR officers sanctioned post and then give a choice to the couple seeking transfer to a third cadre to choose one of those cadres. Thereafter, the concurrence of the concerned cadre would be taken before the couple is transferred to third cadre.

2.7 Clarification regarding deficit cadre:- The above, definition of deficit cadre was put up before the ACC and with their approval the following clarifications on deficit cadre in the context of policy on inter cadre transfer on the grounds of marriage have been issued vide circular dated 25.3.2013.

"A deficit cadre is one where there is a maximum percentage of shortfalls of direct recruit officers vis-à-vis the direct recruit cadre strength. Shortfall may be computed on the basis of Civil List of AIS prevailing at the time of the application for Inter-Cadre Transfer. In case of continued refusal by the cadres on which they are borne the officers would be considered for transfer to a third cadre and for this purpose Central Government will first identify three cadres, which have maximum deficit of direct recruit officers as a percentage of all the DR officers sanctioned post and then give a choice to the couple seeking transfer to a third cadre to choose one of those cadres. Thereafter, the concurrence of the concerned cadre would be taken before the couple is transferred to third cadre."

3. Change of cadre on the ground of extreme hardship: - Policy for change of cadre of All India Service officers on the ground of 'Extreme Hardship' was circulated vide OM No. 13017/16/2003-AIS-I dated 8.11.2004. Conditions for change of cadre of All India Service officers on the ground of 'Extreme Hardship' are as under:-

- (i) Inter cadre transfer shall also be permitted on ground of extreme hardship in the rarest of cases.
- (ii) Inter-cadre transfer shall not be permitted to the home State of the officer.

(iii) Extreme hardship for purposes of inter-cadre transfer, should be defined to include (a) threat to the life of the officer or his immediate family and (b) severe health problems to the officer or his immediate due to the climate or environment of the State to which he is allocated.

(iv) In cases of request on grounds of threat or health, the Central Government shall have the genuineness of the request assessed by an independent Central agency or group of at least two *independent* experts.

(v) If a request on grounds of threat or health is found to be genuine, the Central Government may initially send the officer on a three years deputation to a State of its choice. The situation may be re-assessed after the three years period. If the situation so warrants, the Central Government may permanently transfer the officer to that State.

4. Relaxation of guidelines for change of cadre of All India Service belonging to North East:- Vide OM No. 13017/16/2003 AIS-I dated July 2006 the conditions of eligibility for inter cadre transfer of All India Service officers have been relaxed as follows:-

(i) All India Service Officers belonging to North East cadre may be allowed transfer of cadre to any other cadre in the North East in relaxation of existing conditions subject **to availability of deficit in insider quota.**

5. Guidelines for change of cadre of All India Service Officers appointed against the vacancies reserved for PH category: Vide O.M. No. 13017/16/2003-AIS-I (Pt.) dated 14.02.2014 the following guidelines for change of cadre of Indian Administrative Service Officers appointed against vacancies reserved for Physically Handicapped (PH) category, with immediate effect:

(i) A request/application for change of cadre by an IAS officer appointed against a vacancy reserved for PH category has to be made to the DoPT through the parent cadre/LBSNAA as the case may be so as to reach DoPT within three months from the date of notification of the cadre allocation in the official website of the DoPT. Alongwith application, documents in support of the ground(s) in which cadre change is sought, should also be enclosed. An 'advance copy' of the application must be sent to DoPT directly by the officer along with enclosures.

- (ii) In the said application, the officer appointed against vacancies reserved for PH Category while applying for change of cadre is required to indicate along with his/her request, a minimum of three States, in the immediate proximity / neighborhood of their Home State, to which they would like to be transferred, in order of priority. The proximity or neighborhood as mentioned would mean States which are geographically contiguous to the home state of the officer. In the absence of three such contiguous states, the state(s) closest to the home state in terms of distance would be admissible.
- (iii) The Government may, on a case to case basis and taking into account (based on the report of a medical board) the extreme hardship faced by an IAS officer appointed against a vacancy reserved for PH category, permit his/her transfer to a cadre in the immediate neighborhood / proximity of his/her Home State for the purpose of mitigating such hardship. No such transfer to the Home State of the officer shall be permitted.
- (iv) In case the transfer is agreed to 'in principle' by the Government (DoPT), the concurrence of the concerned State Governments shall be sought, as per the order of preference cited by the officer. In case none of the preferred states are willing, the Central Government may after consulting another neighboring State Government willing to accept the officer, may affect such transfer. The decision of the Central Government on the selection of State / Cadre shall be final and binding on the officer.
- (v) These guidelines will be implemented with prospective effect. However, the officers already appointed to IAS against vacancies reserved for PH category and suffering extreme hardship in the cadre allocated shall be given one-time option to exercise their choice for change of cadre under these guidelines within three months of the date of notification of these guidelines in the DoPT's web site. Such application should be made through the cadre where the officers are allocated presently.

Sub: Consolidated Guidelines on Inter-Cadre deputation of All India Service Officers.

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Rule Position: - The Inter-Cadre deputation of All India Service officers is governed by Rule 6(1) of the IAS (Cadre) Rules 1954 and analogous Rules in the IPS (Cadre) Rules, 1954 and 1FS (Cadre) Rules. 1966, which read as follows:-

“Rule 6(1) stipulates that a cadre officer may, with the concurrence of the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company, association, or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or by another State Government.

Provided that in case of any disagreement, the matter shall be decided by the Central Government and the State Government or State Governments concerned shall give effect to the decision of the Central Government.”

2. Conditions of inter cadre deputation : Guidelines for inter- cadre deputation of All India Service officers circulated vide OM No. 13017/16/2003-AIS-I dated 8.11.2004 stipulates conditions for inter- cadre deputation of All India Service officers as under:-

- (i) Inter-cadre deputation will be available to the officers only after completion of nine years of service in his or her cadre and before reaching the Super Time Scale in his or her home cadre.
- (ii) Inter-cadre Deputations have normally been processed only in cases where individual officers have sought a deputation in view of the personal difficulties. In recent times, many requests have been received from the Governments of new States of Uttaranchal, Jharkhand and Chhatisgarh in the light of the shortages of officers in those States. All such proposals may be examined subject to the concurrence of the officers and the State involved.
- (iii) The total allowable period of inter-cadre deputation in the entire career of the officer shall be five years. No extension of inter-cadre deputation beyond five years shall be allowed. However, inter cadre

deputation at a time normally cannot exceed three years.

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- (iv) However, inter cadre deputation at a time normally cannot exceed three years" stands deleted (vide OM no. 13017/16/2003-AIS-I dated 31.10.2005).
- (v) The inter-cadre deputation is valid only for the period for which it is allowed by the Central Government and any extension is neither automatic nor it should be presumed. As such, the officer shall be entitled to draw salary etc in the state to which he/she has been deputed only for the period for which he/she has been allowed deputation by the Government of India. He/she shall not be entitled to draw salary, etc after expiry of the period of deputation. An officer on such deputation shall relinquish charge and get himself/herself relieved on the last day of his/her deputation if no order extending his/her deputation by the concerned Cadre Controlling Authority i.e. Department of Personnel and Training in the case of the Indian Administrative Service, the Ministry of Home Affairs in case of the Indian Police Service and Ministry of Environment and Forests in the case of the Indian Forests Service, are received in the State Government.
- (vi) An officer who does not handover charge at the end of the approved period of deputation will be immediately liable to disciplinary action and break-in-service for the period beyond the approved date. All orders of deputation will carry endorsement to this effect and to this effect to the Accountant General that pay need not be paid for period beyond the approved period of deputation.
- (vii) A request for extension (upto a maximum period of five years) will be entertained only if it is forwarded by the State Government concerned with cogent reasons and at least three months prior to the expiry of the period of deputation. Where a request for extension has been forwarded in time, it will be mandatory for the concerned Cadre Controlling Authority to issue the orders either way within three months from the receipt of the request for extension.

- (viii) In cases where an officer has completed five years of inter-cadre deputation, it would be made clear to the officer and to the State Government concerned that adverse notice will be taken at the time of empanelment and promotion of the officer, of any further extension beyond five year.

3. Clarification regarding application for extension of Inter Cadre Deputation:- Attention is also invited to para 2 (vi) of the policy on inter cadre deputation contained in O.M. dated 8.11.2004 which stipulates that "a request for extension (up to a maximum period of five years) will be entertained only if it is forwarded by the State Government concerned with cogent reasons and at least three months prior to the expiry of the period of deputation' and para 2 (iv) of the said policy which states that the inter cadre deputation is valid only for the period for which it is allowed by the Central Government and any extension is neither automatic nor should it be presumed. In this regard vide OM no. 13017/16/2003-AIS-I dated 31.10.2005, it has been clarified that the above would be applicable only to those officers who are already on inter-cadre deputation as on the date of issue of revised policy and who are in need of further extensions subject to concurrence of the *respective State Governments* and in case, an officer has applied for inter-cadre deputation with the concurrence of the respective State Government, for lesser number of years than the maximum five years allowed, the same lesser number may be allowed.

4. Relaxation of the conditions of eligibility for inter cadre deputations to North East:- In the context of service condition of All India Services officers serving in North Eastern states the policy in the matter has been reviewed in detail and vide OM No. 13017/16/2003-AIS-I dated 11.7.2006, it has been decided to further relax the conditions of eligibility for inter cadre deputations as follows:-

- i. If an officer borne on a cadre other than a North East cadre opts to go on inter cadre deputation to the north East, the conditionalities of completion of 9 years of service in his own cadre and of his not having been promoted to the Super Time Scale may be relaxed. In Other words, an officer from any cadre other than North East cadre would be allowed to go on deputation to any North East Cadre at any time in his

service. For officers borne on a cadre other than a North East Cadre who go to the North East on home deputation, the maximum term of deputation would be 5 (five) years. For officers borne on a cadre other than a North East Cadre who go to Northeast on Inter Cadre Deputation (other than home deputation) the maximum term of deputation would be extendable to 9 (nine) years.

- ii. All India Service lady officers borne on the North East Cadres may be allowed to go on inter cadre deputation after completion of six years of actual service in the north east. Such lady officers would also be eligible for deputation for a maximum 9 years instead of five years. The lady officers would have the flexibility to utilize the maximum allowable period of inter-cadre deputation in two spells instead of one.

5. Whether Arunachal Pradesh or Mizoram which are part of AGMUT can be treated as North East Cadre:- In the OM No. 13017/16/2003-AIS-I dated 11.7.2006, the word 'North East' and North East cadre.' both have been used causing ambiguity in the context of the AGMUT cadre. In this regard, vide OM No.13017/16/2003-AIS-I dated 3.10.2007, it is clarified that the dispensation allowed for AIS officers belonging to and proceeding on deputation/posting to the North east cadre may also be extended to the AIS officers belonging to and serving in States of Mizoram & Arunachal Pradesh in the AGMUT cadre.

6. Clarification regarding crucial date for seeing the eligibility of the officer for inter cadre deputation:-In the context of above guidelines, the Central Government vide OM No. 13017/16/2003-AIS-I dated 18.1.2008 has further approved the following:-

- (i) The special dispensation for deficit cadres is for allowing officers to proceed on deputation irrespective of whether they have put in 9 years in the cadre or whether they are in the supertime scale. It is relevant only to the starting point of deputation. Once this is relaxed, the officer is logically entitled to the maximum period of deputation, i.e. five years.

- (ii) The special dispensation for the AIS officers opting for inter-cadre deputation to North East cadres, will also apply, mutates mutandis, to officers opting for inter-cadre deputation to the State of Mizoram and Arunachal Pradesh also, within the AGMUT cadre. Further, cases of officers hailing from any of the North Eastern States opting for inter cadre deputation to his/her home State in the North East will be considered on case-to-case basis.
- (iii) If officers from outside cadres go on deputation to North East cadres, the conditionalities of cooling off would be waived off, provided he completes a term of deputation of at least five years. In other words, an officer from any other Cadre would be allowed to go on deputation to the North East directly after a full period of Central deputation without cooling off. Conversely, an officer from any other cadre would be given a full term of Central deputation directly after a full term of deputation in the North East for at least five years, without cooling off on the basis of the officer's own request and subject to cadre clearance.

7. Special provision inter cadre deputation to Jharkhand:- In the context of shortage of officers in the case of Jharkhand, vide OM No.13017/51/2008-AIS-I dated 02.02.2010, it has been decided to relax the condition of eligibility for inter cadre deputation to the cadre of Jharkhand and it would be as under:-

“Officers seeking deputation to the cadre of Jharkhand will be exempt from requirement of having completed 9 years in their own cadre. Officers who have completed three years in their allotted cadre would be eligible to seek an inter-cadre deputation to Jharkhand. They may be considered for deputation even if they are in super time scale. Initially, the period of deputation would be three years and would be extendable to a maximum period of five years”.

8. Provision regarding maximum period for being out of the cadre and cooling off:- Consolidated deputation guideline for All India Services contained in the circular no. 14017/33/2005-AIS-II(pt-1) dated 28.11.2007 provide as under:-

- i. Absence from the cadre shall not exceed more than 7 years at a stretch for officers below the level of Secretary as a result of

inter-cadre deputation and deputation under Rule 6(2).

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- ii. The total period under inter-cadre deputation and deputation under Rule 6(2)(ii) shall not exceed 10 years in the entire career.
- iii. There shall be a mandatory "Cooling Off" requirement after every period of deputation under Rules 6(1) and 6(2) (ii). The length of such "Cooling Off" shall be as follows:-
 - a) For JS-level and below-3 years.
 - b) For AS-level- 1 year.
 - c) For Secretary-level- nil.

9. Procedure to curb the overstay by AIS officers on inter cadre deputation:- While considering the proposal for regularization of period of over-stayal of one of the officers, the competent authority has inter alia has approved the following policy suggestions to curb the instances of overstay. In this background, the following decisions have been issued vide OM No. 13017/8/2002-AIS-I dated 14.8.2013:-

- i. The inter cadre deputation shall be valid only for the period for which it is approved by the Central Government. All Inter Cadre Deputation orders shall indicate the period (and dates in extension cases) in the body of the order itself. Based on the joining report, a specific order indicating the last date of deputation would also be issued.
- ii. The copy of all deputation orders must be marked to /served on the officer concerned along with State Governments and others concerned.
- iii. Any extension in Inter Cadre Deputation period shall neither be automatic nor should be presumed merely on the ground that the State Government concerned or officer or both had made a request to Central Government for extension. In case, no specific approval of the central Government for extension is received within the period for which deputation was originally valid, the officer shall have to be relieved positively and immediately on completion of the original tenure.

- iv. An officer immediately after expiry of approved deputation period shall have to relinquish charge and shall get himself /herself relieved without waiting for formal rejection letter from Central Government.
- v. Any Over-stay beyond approved period of inter cadre deputation without prior approval of the Government of India shall lead to an adverse impact on the prospect of the officer at the time of the empanelment.
- vi. A copy of the notification shall invariably be marked to the Account General concerned with a request to stop payment of salary to the officer beyond approved period of deputation.
- vii. An "Alert" in respect of those officers who are going to complete their inter cadre deputation, will prominently be flashed on this Department's website, 45 days prior to expiry of the deputation period so as to sound the officer and the State Governments concerned.
- viii. Based on "Alerts", auto-generated periodic emails will also be sent to the concerned officer/State Governments reminding them for relinquishing the charge/ relieving the officer on stipulated date.
