

## **Change of Cadre of All India Service officers - Policy (2004)**

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:

"5(2) The Central Government may, with the concurrence of the State Governments concerned transfer a cadre officer from one cadre to another cadre"

2. In recent practice, this Rule has been invoked only in cases of marriage between the All India Service(s) officers. There have been cases where following marriage one officer has moved to the cadre of his or her spouse. There have also been cases where both spouses have moved to a third cadre. The policy in this matter has been reviewed in detail and a view taken, with the approval of Prime Minister, as follows:

(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.

Inter-cadre transfer shall also be permitted on grounds of extreme hardship in the rarest of cases.

(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, the cadre of one of the officers accepts his or her spouse.

(iv) Only after ensuring that both States, for genuine reasons are not in position 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.

(vi) 'Extreme hardship' for purposes of inter-cadre transfer, should be defined to include (a) threat to the life of the officer or his/her 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 allotted.

(vii) 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.

(viii) 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 year deputation to a State of its choice. The situation may be re-assessed after the three years period. If the situation so warrant, the Central Government may permanently transfer the officer to that State.

The State Governments shall consider all the requests for inter-cadre transfers of All India Service(s) officers in accordance with the above policy and send only those requests, which are covered under the above guidelines, for consideration of the Government of India. The requests which are not covered under the above guidelines are liable to be rejected at State level itself.

## **Inter-cadre deputation of All India Service officers - policy (2004)**

Rule 6(1) of the IAS (Cadre) Rules, 1954 and analogous provisions in the IPS (Cadre) Rules, 1954 and IFS (Cadre) Rules, 1966 read as follows:

"6(1) 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 a 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. Over the years various instructions have been issued from the Department of Personnel and Training on the general guidelines to be followed by Cadre Controlling Authorities while processing requests for inter-cadre deputation under Rule 6(1). The matter has been reviewed in detail and it has been decided with the approval of Prime Minister that inter-cadre deputation may be availed of with the following conditions:

(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 Chhattisgarh 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 States 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.

(iv) 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. 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 orders 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 the case of the Indian Police Service and the Ministry of Environment and Forests in the case of the Indian Forests Service, are received in the State Government.

(v) An officer who does not hand over charge at the end of the approved period of deputation will immediately liable to disciplinary action and break-in-service for the period beyond the approved date. The Accountants General are being instructed not to pay salary etc. for any period beyond the approved period of deputation.

(vi) 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.

(vii) In cases where an officer has completed five years of inter-cadre deputation, it may be noted that adverse notice will be taken against the officer at the time of empanelment and promotion of the officer, of any proposal for further extension beyond five years.

The State Govts. shall consider all the request for inter cadre deputation of All India Service (s) officers in accordance with the above policy and send only those request which are covered under the above guidelines, for consideration of the Govt. of India. The request which are not covered under the policy under the above guidelines are liable to be rejected at the State level itself.

