Transfer Policy - II

SECRETARY'S OFFICE

No.GA/RS/6602/1783 27th April, 1992.

Sub:- Review of Kandla-Gandhidham transfer policy.

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A copy of note prepared on the above subject is sent herewith for information, etc.

The Deputy Chairman has been requested to fix a suitable date and time for consideration of the above matter.

Encl: As above

27.4.92
(A.S.Kelkar)
Secretary.

PA to Dy.Chairman/FA&CAO/CME

N.O.O.

Copy alongwith copy of note to:

1. D.S(P)
2. A.S(P).

Review of Kandla-Gandhidham transfer policy

In the meeting of Heads of Department taken by Chairman on 17-3-1992, the Chairman had constituted a Committee consisting of Deputy Chairman, Secretary, FA&CAO and Chief Mechanical Engineer to review the advantages and disadvantages of the transfer policy, bringing out its origin, the operation of transfer policy so far, its relevance in the present situation, changes that are needed, administrative requirements, if any, of the employees on the basis of humane consideration, etc.

The transfer policy in respect of posting on transfer of Class-III ministerial staff including Divisional Accountants, Superintendent (Accounts) and Class-III Drawing office staff between Gandhidham and Kandla was evolved in January, 1978, following representations from ministerial staff posted at Kandla for their transfer to offices at Gandhidham.

Class-III ministerial staff who had rendered 5 years' service at Kandla were considered eligible for transfer to Gandhidham in order of length of service rendered in the concerned post at Kandla and employees in the identical category having put in longest service in the same post at Gandhidham were transferred to Kandla. The transfers are effected on 1st January and 1st July every year. The persons transferred under the transfer policy either at Gandhidham or Kandla were not to be considered for transfer for the second time to either of the two places until they had rendered atleast 3 years' service at the same place and in the same post from which they were earlier transferred. This was done with a view to avoiding transfer in a short spell so as to avoid disruption of work and adverse effect on the working of

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the offices. The employees who had only one year's service for retirement were not to be transferred from Kandla to Gandhidham and vice versa unless they express their willingness to be transferred. An option was also available to employees posted at Kandla to remain out of the purview of the transfer policy. In the case of promotion, the posting is regulated as under :-

(a) Normally, the person being promoted will be posted at the place where the post exists.

(b) If the promotional post is at Kandla but the person getting promotion is an employee from Gandhidham who has worked at Kandla for a period of 5 years or more previously, then he will not be sent to Kandla again but instead a person from the same category working at Gandhidham for the longest spell of time who would otherwise be due for the transfer, will be sent.

(c) If the promotional post is at Gandhidham but the person getting promotion is an employee from Kandla who has not worked at Kandla for a period of 5 years then the person who has put in the longest service at Kandla will be transferred to the promotional post and the new promotee posted in place of the person so transferred.

(d) Persons who had foregone their promotion in the past with a view to avoiding their posting at Kandla in accordance with the previous policy will not be transferred to Kandla in their present capacity. Such persons, if they so desire, will be considered for promotion in the vacancies at Kandla only.

(e) When an office is shifted from Gandhidham to Kandla or vice versa, the staff posted in that office will also be transferred enbloc. Their transfer from Gandhidham to Kandla or vice versa will subsequently be governed by the transfer policy.

(f) When a particular post from Kandla is transferred to Gandhidham, the employees in that category who has put in the longest service at Kandla will be transferred to Gandhidham alongwith the post. Similarly, when a post is transferred from Gandhidham to Kandla, the employee of the category whose service at Kandla is the shortest, will be transferred to Kandla. In case none of the employees of the category has worked at Kandla, then the employees having the longest service at Gandhidham will be transferred to Kandla.

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Subsequently, due to requirement and interest of works, the transfer policy in respect of Class-III Drawing Office Staff both in the Cartographic Section of Marine Department and Civil Engineering Department was discontinued with effect from 24-10-1989 to obviate the adverse effect in the working of Cartographic Section.

In the case of Class-IV ministerial staff such as Peon, Senior Peon, Messenger, Daftry, etc. who had put in 10 years' service at Kandla was considered for transfer to Gandhidham and the persons of the same grade who had worked whether in the same post and/or lower post (longest at Gandhidham) were transferred to Kandla. The employees having less than 3 years' service for retirement were not transferred to Kandla. The transfers were effected as and when the vacancy to be filled occurred either at Kandla or Gandhidham. If the promotional post is at Kandla but the person getting promotion is an employee from Gandhidham who has already worked at Kandla for a period of 10 years or more previously, then he will not be sent to Kandla but juniormost person from the same category working at Gandhidham who would otherwise be due for the transfer will be sent.

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Board Meeting held on 27-2-1987

Came into force w.e.f. 1-6-1987

10.3 The proposal was approved.

Resolved to continue seven Class I temporary posts as shown in Annexure-IV for a further period of one year from 1.3.1987 to 29.2.1988, subject to the approval of the Central Government.

11. Posting of staff at the Offshore Oil Terminal Department at Vadinar - Recommendations of the sub-committee set up by the Board

11.1 Chairman's note on the item was considered.

11.2 Chairman gave the background of the case and stated that the main recommendations of the sub-committee were that if a senior person refuses promotion at Vadinar then his junior could be given regular promotion instead of adhoc promotion which has been the existing practice and the vacancies falling at Kandla could be filled on rotation basis to enable transfer of employees who have rendered three years' service at the OOT.

11.3 Shri Pradeep Singh stated that after the existing adhoc promotions were regularised, there should be policy of regular transfer and no option should be given to employees because the port limit has been extended; the Port Trust should not be apologetic to employees on this score; there should be uniform transfer policy, barring hardship cases and mutual transfers; no option should be given to employees or supersession allowed on account of their unwillingness to accept promotion and posting. He added that even now the transfer of employees in the same posts from Gandhidham/Kandla to Vadinar has not been envisaged, which situation should not be allowed to continue any more.

11.4 Shri Manohar Kotwal suggested that the consideration of the item should be deferred. He further stated that in such matters, both the Trustees representing the labour, should have been associated with the sub-committee constituted by the Board but unfortunately it was not done so; the issue of transfers is at times agitated upto the level of Supreme Court and, therefore, great care was necessary in evolving the transfer policy of employees, particularly when they were liable for transfer to a distant place. Chairman stated that the Board took a conscious decision in constituting a sub-committee to consider the matter and a Labour Trustee was taken as a member thereon. He added that the unions of the employees were heard to assess their view-point/suggestions before formulating the sub-committee's recommendations.

11.5 Shri J.D.Mehta stated that the sanctity of Board's decision should be maintained; whether Board's decision was proper or not should not be questioned. Shri Manohar Kotwal stated that he was not questioning the decision of the Board but was seeking deferment of the consideration of the item.

11.6 Shri Pradeep Singh stated that this matter had also come up for discussion in the Port Chairmen's Conference and the Secretary, Ministry of Surface Transport, was very much emphatic about the transfer of employees

rom Gandhidham/Kandla to Vadinar and vice versa. He dded that he was in complete agreement with the need or having a regular transfer policy of employees from andhidham/Kandla to Vadinar and vice versa. Shri auranga Sinha supported the view expressed by hri Pradeep Singh.

11.7 Shri A.K.Shah observed that the present position as been existing since 1973 and nobody had questioned bout the same but suddenly the issue was being thrust pon the employees. Chairman stated that even now the olicy suggested by the sub-committee did not fully cover egular transfer in the same post from Gandhidham/Kandla to Vadinar and vice versa but only the transfer in the same post from Vadinar to Gandhidham/Kandla on rotation asis. He added that the regular transfer policy nvisaged is only in respect of promotional posts.

11.8 Shri Pradeep Singh stated that regular transfer policy should be evolved and there should be no question of option to the employees. He further stated that the transfer policy should not curtail the right of the administration to transfer an employee as per the requirement of works and administrative exigencies. He suggested that it might be added that notwithstanding anything contained in the transfer policy evolved, it shall not curtail the right of the administration to transfer an employee from Gandhidham/Kandla to Vadinar and vice versa in the same post or on promotion at any time as per the exigencies of work or as may be necessary on administrative grounds. Shri Manohar Kotwal stated that his reservations in respect of the matter should be recorded.

11.9 After further deliberations, the recommendations of the sub-committee were accepted for implementation subject to the addition suggested above by Shri Pradeep Singh.

Resolved, in supersession of previous resolutions on the subject, to accept for implementation the recommendations, as per Annexure-V, of the sub-committee set up by the Board vide Resolution No.81 of its meeting held on 24.10.1986, for the purpose of posting and transfer of staff from Vadinar to Gandhidham/Kandla and vice versa.

Further resolved to reiterate the position that notwithstanding anything contained in the recommendations of the sub-committee, the employees of the Board are liable to be transferred in the same capacity or on promotion from Gandhidham/Kandla to Vadinar and vice versa if exigencies of work or administrative grounds demand.

12. Retirement of Shri N.Krishnamoorthy, Financial Adviser & Chief Accounts Officer of the Board

12.1 Chairman informed the Trustees that Shri N. Krishnamoorthy, Financial Adviser & Chief Accounts Officer, would retire on superannuation from the Board service on 28.2.1987.

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ANNEXURE- V

Posting of staff at the Offshore Oil Terminal Department at Vadinar

The Board vide Resolution No.81 of its meeting held on 24.10.1986 had resolved to constitute a Committee consisting of Chairman, S/Shri A.K.Shah and C.S.Chauhan to go into all the aspects involved in posting of staff at the Offshore Oil Terminal Department at Vadinar, and to submit its recommendations in respect of transfer of officers and staff from Kandla to Vadinar and vice versa, for consideration of the Board.

2. The Committee had a preliminary meeting on 26.11.1986 when it was decided to hear the view-point/suggestions of the unions/associations in respect of the above matter. Accordingly, the following unions/associations were invited to place their view-point/suggestions before the Committee on 1.12.1986 and 10.12.1986:-

(1) Transport & Dock Workers' Union
(2) Kandla Stevedores & Dock Workers' Union.
(3) Kandla Port Karamchari Sangh
(4) Kandla Port Trust Officers' Association.

3. The view-point/suggestions placed by the unions/associations before the Committee on the above mentioned dates were taken note of in formulating the recommendations of the Committee in respect of the above matter.

4. Subsequently, the Committee met on 16.1.1987 and 13.2.1987 to finalise its recommendations which

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are as under:-

4.1 Doing away with existing adhoc promotions at Offshore Oil Terminal, Vadinar

4.2 The existing practice of promoting junior employees on adhoc basis for manning various posts at Offshore Oil Terminal on account of unwillingness of senior employees working at Gandhidham/Kandla to accept promotion at Vadinar should be discontinued. In respect of various posts which are manned by junior employees on promotion on adhoc basis, a circular should be issued to the senior employees who are above the adhoc promotees asking them to indicate whether they are willing to go on promotion to Vadinar or not and making it clear to them that in the event of their unwillingness to go on promotion to Vadinar, their juniors who are working on adhoc basis in the promotional posts will be given regular promotion. The unwilling seniors will stand superseded by their juniors. In case any senior employee or employees is/are willing to accept the promotion at the Offshore Oil Terminal, then the seniormost among them should be promoted on regular basis and the adhoc promotee who is working at Vadinar be reverted to his original post and posted at the place from where he had got adhoc promotion i.e. if he had gone from Gandhidham/Kandla on promotion on adhoc basis, he should be posted back to Gandhidham/Kandla and on the other hand if he had been promoted while he was working at the Offshore Oil Terminal, he should be reverted and posted at the Offshore Oil Terminal itself. In this manner, the adhoc promotions

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which were made on account of unwillingness of the senior employees to go on promotion at Vadinar would be put to an end.

5. Regular transfers

5.1 There has to be a regular transfer policy of employees from Gandhidham/Kandla to Vadinar and vice versa so that no one is forced to stay at Vadinar permanently.

5.2. In respect of base-line posts which are filled by direct recruitment at the Offshore Oil Terminal such as Junior Clerks, Messengers, etc., the incumbents holding such posts may be considered for transfer as and when the vacancies in such posts are filled at Gandhidham by direct recruitment. The new entrant should be posted at Vadinar and the employee working at the Offshore Oil Terminal transferred to Gandhidham/Kandla. However, not all the employees working in the base-line posts at the Offshore Oil Terminal should be transferred at a time to Gandhidham/Kandla but it may be done in a phased manner as per the discretion of the administration, so as not to affect the working in the Offshore Oil Terminal Department. The case of transfer of employees working in the base-line posts at the Offshore Oil Terminal be considered after the employee has rendered atleast three years' service at the Offshore Oil Terminal except in exceptional circumstances.

5.3 In respect of filling the vacancies in promotional posts with effect from a specified date, say 1st June,1987 onwards, the first vacancy which will arise at Gandhidham/Kandla be filled by promotion

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(iv)

of an eligible candidate at Gandhidham/Kandla. The next vacancy when it arises at Gandhidham/Kandla be filled by transfer of a person who is holding that post at the Offshore Oil Terminal, and the resultant vacancy which will arise on account of his transfer from the Offshore Oil Terminal should be filled by promotion of an eligible candidate, and in the event of his refusal to accept the promotion at the Offshore Oil Terminal, the junior persons who is eligible and willing to accept the promotion be promoted on regular basis. This rotation of filling the vacancies (first vacancy at Gandhidham/Kandla, second vacancy at Offshore Oil Terminal, third vacancy at Gandhidham/Kandla, fourth vacancy at the Offshore Oil Terminal and so on) by promotion may continue until there is no person who has rendered three years' service in the same post at Vadinar and who is willing to be considered for transfer to Gandhidham/Kandla is available. In such a situation, the vacancies which will arise in promotional posts at Gandhidham/Kandla be filled by promoting the eligible employee at Gandhidham/Kandla itself. However, as and when the eligible employee is available at the Offshore Oil Terminal, the cycle of filling the vacancies in the above manner may be started.

5.4 The administration may, however, transfer the willing (opting) employees in the same post or on promotion from Offshore Oil Terminal to Gandhidham/Kandla and vice versa without completion of three years' period if departmental candidate is not available.

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5.5 It should be ascertained from the employees presently working at the Offshore Oil Terminal as to whether they are interested in their transfer to Gandhidham/Kandla in the same or in a promotional post, as the case may be. This information will be useful for the purpose of posting of staff from Gandhidham/Kandla to Vadinar and vice versa so as to minimise the hardship, if any, which may be caused to the employees on account of transfer. If a person working at Offshore Oil Terminal is not interested in transfer to Gandhidham/Kandla, he may be allowed to stay there. In that case if another transferee at Gandhidham/Kandla is promoted to higher post in his/her own turn, the senior person opting to stay at Offshore Oil Terminal shall stand superseded in the same manner as in case of senior persons of Gandhidham/Kandla declining to go to Offshore Oil Terminal. This should be made amply clear to all concerned.

5.6 The system of filling the vacancies in the above manner should be the same for male and female employees and in the event of their unwillingness to accept the promotion at the Offshore Oil Terminal, the junior persons willing to go on promotion to Offshore Oil Terminal be promoted on regular basis and those who decline promotion and posting at Vadinar will stand superseded by the junior employees.

5.7 In the unlikely event of refusal of all the eligible employees working at Gandhidham/Kandla in the feeder category to accept the promotion at Vadinar and non-availability of eligible person to be considered for promotion at the Offshore Oil Terminal,

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the vacancy may be filled when a candidate working in the feeder category at Vadinar becomes eligible for consideration for the post in which the vacancy exists. Alternatively, the vacancies may be filled in by direct recruitment, if necessary by amending the recruitment regulations.

6. General

6.1 The employees who will be posted at Vadinar on transfer and promotion may be allotted a quarter in the Port Colony at Vadinar. In the case of employees coming on transfer from Vadinar, they will be eligible for allotment of quarter at Gandhidham/Kandla, as the case may be, according to its availability and their turn in seniority.

6.2 If husband and wife are working in the Port Trust and residing in the Port Trust quarter at Gandhidham/Kandla and if either of them is transferred to Offshore Oil Terminal, the other spouse be allowed to retain the quarter at Gandhidham/Kandla until both of them happen to be posted at the Offshore Oil Terminal. The same method should be followed in the similar cases of transfer from Offshore Oil Terminal to Gandhidham/Kandla.

6.3 In the case of promotion and posting at the Offshore Oil Terminal of those employees, who are working at Gandhidham/Kandla and are occupying Port Trust quarters and whose spouse is not working the Port Trust, they may be allowed to retain the quarter at Gandhidham/Kandla until scholastic session of their children is over i.e. upto 30th April of that year.

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6.4 As regards persons already working at Offshore Oil Terminal for a period of over 6 years, the Committee recommends that the administration may consider the cases of transfer of such persons, who opt to come over to Gandhidham/Kandla, separately before the implementation of the new policy.

Sd/-
(A.K.Shah)
Member

Sd/-
(C.S.Chauhan)
Member

Sd/-
(Moheb Ali.M)
Chairman

KANDLA PORT TRUST

Secretary's Office,
Post Box No. 50,
Gandhidham-Kutch.

No.GA/PS/6602

Date :- 3/3/1986.

/ C I R C U L A R /

Sub:- Transfer policy for Class IV ministerial staff.

1. Reference this office Circular No.GA/PS/6602 dated 30.7.1985 on the above subject.

2. It has been decided with the approval of the Chairman to amend Clause (2) and (3)(b), as under, in the above Circular.

(2) As and when Daftry/Head Peon/Peon/Messenger completes 10 years' service at Kandla, he will be considered for transfer to Gandhidham and the junior-most person of the same grade who is working at Gandhidham and who has not worked at Kandla for 10 years(whether in the same post and/or lower post) will be transferred to Kandla. The employee due for transfer from Gandhidham but having less than three years service before his retirement on superannuation at the material time, will not be transferred to Kandla, but the next junior person will be transferred.

(3)(b) If the promotional post is at Kandla but the person getting promotion is an employee from Gandhidham who has already worked at Kandla for a period of 10 years or more previously, then he will not be sent to Kandla but instead junior-most person from the same category working at Gandhidham who would otherwise be due for the transfer will be sent.

(A.S.Kelkar)
Ag.Secretary.

Copy to:- All Heads of Departments/Divisions.
/Gulrajani.U/**

KANDLA PORT TRUST

Administrative Office,
Post Box No. 50,
Gandhidham-Kutch

No. GA/PS/6602 20th July, 1985.

Circular

Sub:- Transfer policy for Class IV ministerial staff.

Class IV employees working in the categories of Daftry, Head Peon, Peon and Messenger at Kandla offices will be eligible for transfer to Gandhidham in the following manner:-

(1) In the case of Peon/Messengers, the new appointees will be posted at Kandla and the one with the longest service at Kandla will be brought to Gandhidham unless he has opted to stay at Kandla.

NO Period

(2) As and when a Daftry/Head Peon/Peon/Messenger completes 10 years' service at Kandla, he will be considered for transfer to Gandhidham and the person of the same grade who has worked (whether in the same post and/or lower post) longest at Gandhidham, will be transferred to Kandla. The employee due for transfer from Gandhidham but having less than three years for his retirement on superannuation at the material time, will not be transferred to Kandla but the next person having the longest service at Gandhidham will be transferred.

(3) In the matter of promotion, the postings will be regulated as under:-

(a) Normally, the persons being promoted will be posted at the place where the post exists.

(b) If the promotional post is at Kandla but the person getting promotion is an employee from Gandhidham who has worked at Kandla for a period of 10 years or more previously, then he will not be sent to Kandla again but instead a person from the same category working at Gandhidham for the longest spell of time who would otherwise be due for the transfer, will be sent.

(c) If the promotional post is at Gandhidham but the person getting promotion is an employee from Kandla who has not worked at Kandla for a

Kandla Port Trust

Secretary's Office,
Post Box No. 50,
Gandhidham(Kachchh)

No.GA/PS/6602

Date: /02/1991

Sub: Transfer Policy

The policy in respect of posting and transfer of Ministerial staff including Divisional Accountants, Superintendents(Accounts), and Class III drawing office staff between Gandhidham and Kandla circulated under number GA/PS/6602 dated 11th January, 1978 has been modified and the modified policy is as under :-

i) When a person is appointed by direct recruitment he will be posted wherever the vacancy - required to be filled exists.

ii) The Ministerial and drawing office staff holding Class III posts at Kandla will be eligible for transfer to Gandhidham on completion of five years' service at Kandla. For this purpose, all service at Kandla, whether continuous or in spells, will count towards the limit of five years provided that where there is more than one spell, the last spell of posting at Kandla should not be less than three years. When such a transfer is made to Gandhidham, the person of same grade who has worked (whether in the same post or lower post) longest at Gandhidham, will be transferred to Kandla subject to the proviso that he has worked at Gandhidham for atleast three years in the last spell. This is further subject to the proviso that the person working at Gandhidham who had previously worked at Kandla for a period longer than the person to be transferred to Gandhidham, will not be transferred to Kandla until he has put in at Kandlaa a length of service equal to that put in by the other at Kandla provided that the last spell of posting at Kandla is three years or more.

iii) In the matter of promotion, the posting will be regulated as under :-

(a) Normally, the person being promoted will be posted at the place where the post exists.

(b) If the promotional post is at Kandla but the person getting promotion is an employee from Gandhidham who has worked at Kandla for a period of 5 years or more previously, then he will not be sent to Kandla again but instead a person from the same categoty working at Gandhidham for the longest spell of time who would otherwise be due for the transfer, will be sent.

(c) If the promotional post is at Gandhidham but the person getting promotion is an employee from Kandla who has not worked at Kandla for a period of 5 years then the person who has put in the longest service at Kandla will be transferred to the promotional post and the new promotee posted in place of the person so transferred.

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iv) Persons who had foregone their promotion in the past with a view to avoiding their posting, at Kandla in accordance with the previous policy will not be transferred to Kandla in their present capacity. Such persons, if they so desire will be considered for promotion in the vacancies at Kandla only.

v) When an office is shifted from Gandhidham to Kandla or vice versa, the staff posted in that office will also be transferred enbloc. Their transfer from Gandhidham to Kandla or vice versa will subsequently be governed by the transfer policy.

vi) When a particular post from Kandla is transferred to Gandhidham, the employee in that category who has put in the longest service at Kandla will be transferred to Gandhidham along with the post. Similarly, when a post is transferred from Gandhodham to Kandla, the employee of the category whose service at Kandla is the shortest, will be transferred to Kandla. In case none of the employees of the category has worked at Kandla, then the employees having the longest service at Gandhidham will be transferred to Kandla.

vii) The employees who become due for transfer from Kandla to Gandhidham and vice versa within one year of their date of retirement, will not be transferred unless they express their willingness to be so transferred.

viii) Persons working at Kandla who are not interested in transfer to Gandhidham can exercise an option and once such an option is given they will have to stay at Kandla at least for three years.

ix) The transfers will be effected on 1st January, and 1st July every year.

Sd/-
( B.S. Barot )
Secretary