



राष्ट्रीय मुक्त विद्यालयी शिक्षा संस्थान
NATIONAL INSTITUTE OF OPEN SCHOOLING

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(स्कूल शिक्षा और साक्षरता विभाग, शिक्षा मंत्रालय, भारत सरकार के अंतर्गत एक स्वायत्त संस्था)
(An autonomous Institution under Deptt. of SE&L, Ministry of Education (MoE), Govt. of India)

F.No.41-16/2012/NIOS/Pers/

Date : 19th January, 2024

NOTIFICATION - 02/2024

Transfer Policy 2023 for regulating transfer of staff of NIOS was placed before the Executive Board in its 88th meeting held on 22nd December, 2023. The Executive Board approved the Transfer policy.

A copy of the Transfer Policy 2023 is enclosed for information to all concerned.

This policy will come into force with immediate effect. Henceforth, transfers of staff of NIOS will be regulated as per provision of this Transfer Policy 2023.

This is issued with the approval of the Competent Authority.

(19/01/24)
Assistant Director (Admn.)

Enclosure: NIOS Transfer Policy 2023

Distribution:-

1. All HoDs/Regional Directors of RCs with the request to bring the above Transfer Policy amongst the officers/officials working under them.
2. SAP for website
3. Hindi Officer with the request to provide Hindi version.



NATIONAL INSTITUTE OF OPEN SCHOOLING **(Transfer Policy 2023)**

INTRODUCTION

NIOS, being a premier organization in open schooling system, has its branches/offices in different parts of the country to cater the educational need of enrolled/aspiring students countrywide. To facilitate all kinds of administrative and official work, the NIOS aims at providing sufficient manpower in every office. Transfer of employees, besides being incidence of service, acts as an important tool for providing opportunity to employee to serve in different offices and therefore, it underlines the necessity of a well-defined transfer policy to govern the transfer-posting of employees in all its offices/branches. To facilitate this dynamic factor, instead of **ADMINISTRATIVE / ROTATIONAL TRANSFER MODEL**, the **HYBRID TRANSFER MODEL** appears to be a better alternative wherein employee's request is given due importance over displacement transfer and both the kinds of transfer run complementary to each other. Accordingly, the present Transfer Policy of NIOS is aimed to offer equitable opportunity to all employees of NIOS to seek transfer to a place of their choice and work with ease and satisfaction, besides offering the organization a better administrative control for the smooth functioning of its offices without affecting efficiency of the organisation. Thus, it calls for fabricating and fixing provisions and parameters that covers various eligibility and priority factors for transfer of its employees against all available vacancies with utmost transparency and accuracy.

In the aforementioned context, the present document is a comprehensive inclusion of various factors that has bearing on the transfer policy as a whole and thus being detailed hereunder in the following heads:

- Broad objectives of the transfer policy
- Basic principles/guidelines.
- Broad categories of transfer
- Types of vacancy
- Cut-off date of transfer drive
- Eligibility criteria for transfer (priority / Non priority category)
- Transfer of employee into or out of Hard stations.
- Displacement transfer (Provision / eligibility)
- Provision for protected deemed employee
- Order of priority for executing transfer
- Rules of allotment (of station) & tie-breaking
- Rules for admissibility of Transfer TA
- Grievance redressal Mechanism
- Power of relaxation of guidelines

- Interpretation of guidelines
- Safeguard against extraneous influence
- References and Annexures

1. OBJECTIVE

- (a) NIOS, through its transfer policy, shall strive to maintain equitable distribution of its efficient manpower in all its offices/branches in a transparent way to ensure efficient functioning of the organization, with regard to protecting academic interest of the enrolled / aspiring learners, besides optimizing job satisfaction amongst its employees.
- (b) NIOS having Pan-India presences, its employees are liable to be transferred to any of the offices across the country at any point of time.
- (c) Transfer to a desired location cannot be claimed as a matter of right by any employee at any point of time in his/her services.
- (d) While executing transfer, the interest of the organization (the NIOS) shall be given uppermost consideration and the problems / constraints of employees shall remain subservient.

2. BASIC PRINCIPLES OF TRANSFER POLICY

- (a) Employees of NIOS can seek transfer to any desired location. However, transfer/posting to a desired location shall not be claimed as a matter of right.
- (b) Transfer of an employee in NIOS shall be based on length of service at present station in present post in the current spell of service at that station.
- (c) The crucial determinants that shall affect any transfer, may be enumerated hereunder. Such effect may be due to single determinant or even multiple determinants depending on the cases of transfer.
- Availability of Vacancy at desired location.
 - Meeting out the Eligibility Criteria.
 - Certain special factors, henceforth, termed as PRIORITY FACTOR such as Disability, Spouse working at a station in

NIOS or other Govt. Department (Central/State), and DFR (Due for Retirement) status of an employee.

- iv) Administrative Shifting of an employee from a station where his/her further continuation is not in the interest of the station/office.
- v) Redeployment of staff, declared surplus due to abolition of post or closure of an office/branch or else under any prevailing administrative exigencies, giving rise to underutilized status of the said employee (manpower), shall be made to other location against available actual vacancy only.

[These determinants must be correlated with the provisions as applicable case wise]

(d) A basic lock-in period of 03 years shall be applicable on all kinds of transfer/posting. It shall be applicable for all employees including new recruits/probationers as well as old employees.

(e) An employee on initial posting after recruitment/promotion or on transfer shall not be considered for request transfer before he/she completes the prescribed mandatory tenure (as applicable cadre/station/priority wise) at his/her initial/present place of posting, in the present post.

(f) In view of safeguarding opportunity and interest of all aspiring employees (seeking transfer), **Mutual Transfer** shall not be permitted. Mutual Transfer shall refer to exchange of place vice-versa with mutual consent of the concerned employees.

(g) An employee shall be kept debarred for 02 tenure (as applicable cadre/post/station wise) for seeking transfer to a station from where he/she has been transferred on the administrative grounds.

(h) As a general rule, a Regional Director of NIOS shall not be posted / transferred to his / her home town/state. However, keeping welfare of the employees to oversee and settle family or other exigent affairs as well as planning for post-retirement settlement, an employee, in his/her entire service tenure, may avail posting in Home Town/state for one tenure (cadre/post wise), in addition to DFR tenure. However, such request, if received from employees shall always be subject to eligibility conditions, availability of vacancy and other parameters as applicable while processing such transfer.



- (i) As a general rule, an employee (Group A & B) shall be transferred/posted out on his/her promotion from his/her present place of posting to another station.
- (j) Transfer on request will normally be made between October to December of the transfer year. However, transfers on account of disability and / or serious ailment, when it is not practicable to defer the transfer till next year without causing serious danger to the life of the employee (eligible employee only) may be brought into effect by Competent Authority of NIOS at any time during the year against available actual vacancy to ensure proper treatment/rehabilitation to save life of the employee.
- (k) Transfer orders issued by the NIOS on request basis with due approval of the Competent Authority will not be cancelled. However, under extremely exceptional circumstances or under administrative exigencies, the Chairperson, EB may take appropriate decision duly recording the justifiable reasons on case to case basis which cannot be taken as precedent and hence cannot be claimed as a matter of right. Such cases for cancellation of transfer order will be entertained only if the previous station from where the employee has been transferred is still vacant.
- (l) Attempt to bring any political or other outside influence for transfer upon any superior authority of the NIOS shall be treated as misconduct and would be liable for disciplinary action under extant CCS (CCA) Rules.
- (m) As initial posting on either recruitment or promotion shall always be a matter of administrative exigencies of the organization (NIOS) in view of providing man power to its offices/branches based on the academic and administrative necessity. Transfer provisions are not applicable for posting on direct recruitment or promotion. However, **initial posting of new incumbent (except HODs) shall, invariably, be given on any station outside NIOS Headquarters as well as outside the geographical jurisdiction of his/her Home State.**
- (n) Employees "Due For Retirement" within **three** succeeding years counted as on cut-off date of the transfer year, hitherto, termed as **DFR**, shall be safeguarded from displacement from their present location till retirement. However, they may seek transfer-on-request as per their priority and eligibility [Refer to clause of DFR at para 3.5.c].

(o) Efforts will be made to ensure that persons with disabilities are posted in home town or closer to their home town subject to availability of vacancies and other provisions of transfer policy, if applicable.

(p) These guidelines regarding transfer of employees are meant essentially for the internal use of the NIOS and do not vest any employee with any right.

3. VARIOUS PROVISIONS:

The NIOS intends to offer transfer to its employees primarily "on request basis" subject to fulfillment of other parameters as defined through various provisions. However, transfer in NIOS shall be categorized into following major heads:

3.1. TRANSFER:

- a. **Request Transfer:** The transfer shall be brought into effect from one station to the other based on the request of the eligible employee. Such transfer is applicable to all cadres of employees. For availing transfer-on-request, participation of aspiring employee in transfer drive is mandatory.
- b. **Displacement Transfer:** Transfer of an employee (who has completed prescribed maximum tenure at present station as per guidelines) from the present place of posting to a new station/office shall be brought into effect for the purpose of accepting the request of other eligible employee-on-transfer in his/her place. Such transfer, hitherto, termed as "**Displacement Transfer**" shall be a consequence of normal transfer drive wherein employee primarily gets intimated about his/her displaceable (deemed) status and even after given opportunity for seeking request transfer, either does not opt choice stations for transfer or does not get transfer to any of the opted stations. Therefore, displacement transfer shall not be considered as administrative transfer. All cadres of employees shall be liable to displacement subject to fulfillment of the eligibility criteria of displacement except following cadres of employees:

S.No.	Cadre/Post
1	Employees of all cadres under Valid PH Category.
2	Employees of all cadres under DFR category
3	Multi Tasking Staff

Displacement transfer is subject to declaration of employee status as "**Deemed**" and hence it may commence irrespective of participation of employee.

c. **Administrative Transfer:** The transfer which is effected by the NIOS *suo moto* in the exigencies of service and administration as well as in public interest. Through such transfer NIOS shall ordinarily:

i) Redeploy surplus staff at a location against non-sanctioned vacancies (or more staff than the sanctioned post) or due to abolition of post or closure of a station at that location. Such redeployment shall be effected among available vacancies at other stations. While redeploying the surplus staff, administrative / academic requirement and proper utilization of the human resource shall, above all, be the predominant criteria.

ii) **Redeploy an employee from his present station to any other station in public interest in extreme exigency of the services as may deem fit by competent authority of NIOS after recording justifying reason.**

iii) Transfer of an employee whose continuation at present station is not conducive from administrative point of view and not in the overall interest of the office. Such transfer may be executed based on certain enquiry (preliminary/detailed) as considered deemed fit in the case and after recording reasons of such transfer.

3.2. VACANCY:

There shall be two major categories of vacancy:

a. **Actual Vacancy:** All clear-cut vacancies as on date including retirement cases as on cut-off date (as notified by NIOS through its guidelines from time to time) shall be taken as actual vacancy.

b. **Deemed Vacancy:** The status of employee completing prescribed maximum tenure of service (as per guidelines) at his/her present station in present post, shall be declared as "**Deemed Vacancy**" or simply "**Deemed**". Deemed vacancy being a vacancy, such declared place shall be allotted to an eligible participating employee, if opted by him/her.

c. Vacancies displayed to employee for transfer purpose shall always be tentative as its status may change due to administrative exigencies like suspension/revocation of suspension/transfer on administrative reasons/as per direction of Hon'ble Court/transfer under relaxation of provisions/ ongoing appointment or promotion / resignation / retirement / termination / death of an employee. Thus actual allotment of stations shall be based on the status of vacancy on the day of raising transfer list. Therefore, Competent Authority, NIOS reserves the right for updating (inclusion/exclusion) of vacancies depending on administrative exigencies as herein above.

3.3. CUT-OFF DATE OF TRANSFER DRIVE:

The cut-off date for all kinds of eligibility shall ordinarily be **31st of December** of the year of transfer drive. Change in cut-off date, if any due to administrative exigency, shall be made by the Competent Authority of NIOS and duly notified through its guidelines well before launch of transfer drive.

3.4. ELIGIBILITY CRITERIA FOR SEEKING TRANSFER (Normal Transfer):

An employee shall acquire eligibility to seek transfer in NIOS based on completion of prescribed tenure of service rendered **at present station in present post**. The prescribed tenure of different cadres of employees (under Non-priority category and Priority Category) for seeking transfer-on-request shall be as under;

Cadre/Post Details			Tenure for Eligibility (for seeking transfer & declaring Deemed Vacancy)
Name of the Post	Pay Band	Pay level (Rs.)	Non Priority Category (in Years)
Chairperson, NOSS	14	(144200-218200)	Non-Transferable
Secretary	13	(123100-215900)	Non-Transferable
Director (Acad.)	13	(123100-215900)	Non-Transferable
Director (Voc.Edu./Evaluation/SSS)	13	(123100-215900)	Non-Transferable
Joint Director (Admin.)	13	(123100-215900)	03 Years
Joint Director (Acad.)	13	(123100-215900)	03 Years
Joint Director (Capacity Building Cell)	13	(123100-215900)	03 Years
Joint Director (Media)	13	(123100-215900)	03 Years

Deputy Director (Admin)	12	(78800-209200)	03 Years
Deputy Directors (Accounts)	12	(78800-209200)	03 Years
Deputy Director (Acad.)	12	(78800-209200)	03 Years
Deputy Director (CBC)	12	(78800-209200)	03 Years
Publication Officer	12	(78800-209200)	03 Years
System Analyst / Programmer	12	(78800-209200)	03 Years
Assistant Director (Admn)	11	(67700-208700)	05 years
Assistant Director (Acad.)	11	(67700-208700)	05 years
Assistant Director (CBC)	11	(67700-208700)	05 years
Account Officer	11	(67700-208700)	05 years
Academic Officer	10	(56100-177500)	05 years
Research Evaluation Officer (REO)	10	(56100-177500)	05 years
Training Officer	10	(56100-177500)	05 years
Librarian	10	(56100-177500)	05 years
Section Officer	7	(44900-142400)	05 years
Assistant Audit Officer (AAO)	7	(44900-142400)	07 years
Public Relation Officer (PRO)	7	(44900-142400)	07 years
PS to Chairperson	7	(44900-142400)	07 years
Hindi Officer	7	(44900-142400)	07 years
Assistant Engineer (Civil)	7	(44900-142400)	07 years
Junior Engineer (Electrical)	6	(35400-112400)	07 years
Superintendent	6	(35400-112400)	07 Years
Personal Assistant	6	(35400-112400)	07 years
Technical Assistant	6	(35400-112400)	07 years
EDP Supervisor	6	(35400-112400)	07 Years
Graphic Artist	6	(35400-112400)	07 years
Assistant Librarian	6	(35400-112400)	07 years
Editor (Media)	6	(35400-112400)	07 years
Cameraman	6	(35400-112400)	07 years
Production Assistant	5	(29200-92300)	07 years
Translator	5	(29200-92300)	07 years
Assistant	4	(25500-81100)	07 Years
Internal / Junior Auditor	4	(25500-81100)	07 years
Stenographer	4	(25500-81100)	07 Years
Library Assistant	4	(25500-81100)	07 Years
Junior Assistant	2	(19900-63200)	07 years
Electrician	2	(19900-63200)	07 Years
Staff Car Driver	2	(19900-63200)	07 Years
Photocopier Operator	2	(19900-63200)	07 Years
Peon / Mali (MTS)	1	(18000-56900)	07 Years

[Cadre of employee and its sanctioned strength may vary. Inclusion and exclusion shall be subject to notification issued from time to time by the Competent Authority, NIOS]

3.5. ELIGIBILITY CRITERIA FOR SEEKING TRANSFER (Priority category):

Considering hardship of certain categories of employees in day-to-day life due to some special need and liabilities, NIOS designate them as "**Priority Category**" of employee and extend benefit to them by offering preference in eligibility (tenure) or in allotment with a view to facilitate them for seeking transfer to a station of their convenience. Such priority category may be perused her under:

- a) **PH Category:** Status of an employee shall be considered under priority category of PH for transfer purposes, if he/she, his/her spouse and dependent son/daughter are differently abled to the extent of at least 40 per cent and above, subject to production of the valid certificate issued by the competent **Govt. Medical Board/Authority**. PH certificate having re-assessment clause, must be renewed prior to expiry of the period. Only employee (self), his/her spouse and son/daughter shall form the basis for claiming transfer under priority category of PH. Father, mother, brother, sister and other relatives of the employee shall not make the criteria for claiming transfer under priority despite being dependent on the employee concerned.
- b) **Spouse Category:** Transfer of husband/wife at one station for unification or nearby station (DOPT OM No.:28034/9/2009-Estt.(A) dated 30th September, 2009 as well as DOPT-1669289899529 dated 24 November 2022) shall be a vital factor of transfer system of NIOS. Employee of NIOS having working spouse shall be considered under valid spouse category for seeking transfer on satisfying any of the conditions given below:
 - i) his/her spouse is a permanent employee against a permanent post on regular basis in same organization i.e., NIOS.
 - ii) his/her spouse is a permanent employee against a permanent post on regular basis in Central Govt Office/Department.
 - iii) his/her spouse is a permanent employee against a permanent post on regular basis in Central Govt PSU.
 - iv) his/her spouse is a permanent employee against a permanent post on regular basis in State Govt Office/Department.
 - v) his/her spouse is a permanent employee against a permanent post on regular basis in State Govt. PSU.

While defining permanent employee on regular basis for claiming "**Valid Spouse Status**", it shall be meant that the referred working spouse should be a full-fledged, full-time employee, against a permanent post in Govt. office/department as a regular (permanent) employee drawing standard salary and perks for the cadre of service. **Any Ad-hoc or substitute arrangement, whether on long term/short term basis, in terms of employment or salary standards, shall not come under the defined terms of bona-fide Government Servant.**

The NIOS employee whose working spouse in NIOS/Central/State Govt. service, does not **conform** to above conditions or otherwise governed by separate service rules other than the standard service rules of NIOS/Central/State Govt., shall not be treated to come under "Valid Spouse Category" for seeking transfer/relaxation under priority category of spouse.

Allotment of a station under spouse priority category is subject to availability of vacancy, eligibility, station seniority, priority status and other applicable parameters. Merely having a valid working spouse and opting a station may not render any NIOS employee to seek transfer to desired station in the name of spouse priority / unification. In view of providing better opportunity to spouse for their unification, all cases of transfer shall be treated at par for allotment of a station in transfer process.

Any NIOS employee satisfying above clauses and posted anywhere in India shall claim transfer under Spouse priority category, subject to qualifying the other eligibility parameters.

Certificate for claiming priority / relaxation under spouse category shall always be the latest one. Any old/improper certificate shall invite complete rejection of the priority claim of the concerned employee.

c) **Due For Retirement (DFR) Category:**

In view of facilitating employee approaching superannuation, "Eligibility" and "Priority" shall be accorded to the employee coming under DFR category to seek transfer, without restricting him/her with any mandatory tenure after they attain 57 years of age as on cut-off date of the transfer year. This means that only mandatory tenure shall be relaxed and other priority clauses shall be kept applicable as per existing provisions. **Therefore, an employee**

availing transfer at the age of 57 (or above) years under priority grounds of PH or Spouse, shall not be eligible to seek transfer claiming these priorities prior to completion of prescribed mandatory tenure as defined in para 3.4 (column-Tenure for eligibility). However, an employee, once availed transfer under DFR priority, shall not be eligible to avail transfer again claiming DFR priority.

[NOTE: Transfer of DFR employee without any tenure does not mean that there is no tenure station / cadre wise. It only facilitates that DFR employee can seek transfer prior to completion of mandatory tenure prescribed for his cadre/station.]

- d) Claim of priority by an employee shall be subject to production of valid certificate for claiming such priority at the time of launch of transfer drive of a transfer year. In order to maintain uniformity in scrutiny of the claim, proforma of certificate has been developed and annexed. Such proforma, along with notified instructions on it, shall serve as a part of policy document.
- e. Late production of priority certificate (after the prescribed date) shall not entitle the claimant for benefit of priority category.
- f. Merely production of a certificate by competent authority shall not entitle an employee for benefit of priority category. It is subject to further satisfying all clauses/criteria/parameters prescribed for being under claimed priority category. Following conditions shall invite complete rejection of the claim of employees for his/her status under priority category.
- i) Non production of valid certificate (in the given proforma) prior to declaration of vacancy in public domain.
 - ii) Priority claimed by the employee is not conforming to the prescribed parameters.
 - iii) Certificate neither issued nor countersigned by the competent authority.
 - iv) The submitted certificate is not in the prescribed format.
 - v) Certificate produced in part (not showing all fields and instructions of the prescribed format).
 - vi) Certificate does not have the complete details (of information) as required in the prescribed format.
- g. NIOS offices/establishment units, being primarily located in city/urban conglomeration, have better location advantage/facility

with regard to availability of suitable treatment of critical illness/diseases in the vicinity. Considering such location advantage, the NIOS does not envisage for any special consideration in transfer process of any employee in the name of suffering from critical illness/diseases. However, as mentioned in Para 2j under any exceptional circumstances of critical illness, where delay in transfer may cause life-threat of an employee, "Relaxation of Provision" may be invoked after recording justifying reason.

3.6. TRANSFER OF EMPLOYEE INTO AND OUT OF HARD / VERY HARD STATIONS:

- a. In view of maintaining the efficient administration in the offices located at hard and very hard stations, one of the priorities of the NIOS shall be to fill up the vacancies of employee in hard stations and very hard stations.
- b. To provide sufficient manpower to offices under hard and difficult stations, the NIOS shall fill the vacant posts in three ways;
 - i) by posting the employees of normal station (other than hard stations) who are willing to serve in hard and very hard stations.
 - ii) by posting employees-on-displacement from stations other than hard, with special mention to those who have not served in hard & difficult station earlier and also have not given their willingness to serve there.
 - iii) by posting of employees on his/her initial posting on recruitment or on promotion to hard and difficult station.
- c. Other priority of the NIOS shall provide sufficient opportunity for transfer to those employees who are serving at hard and difficult stations and willing for transfer outside of hard and difficult station as per eligibility.
- d. Another priority of the NIOS shall pay due attention to employees who are serving in hard and difficult station and willing to change stations within hard and difficult stations.

- e. In view of facilitating transfer of employee into or out of hard station, special tenure, as mentioned below, has been defined:

S. No.	Priority	Post / Cadre	Mandatory Tenure prescribed at present station (in years)
1.	Transfer from Normal station to Very hard/Hard station on "Willingness to Serve Hard Station".	All Cadres	02 years at present Normal (other than Hard/Very Hard) Station
2.	Transfer from Hard to outside Hard Stations or within hard stations.	All Cadres	03 years at present very hard station.
4	Transfer from Very Hard to outside Hard Stations or within hard stations.	All Cadres	02 years at present very hard station.

NOTE: Transfer from Normal Station to Hard/Very hard station row 01 of this table) shall be applicable only to employees serving at Normal (other than hard/very hard) stations. Request for transfer from one hard station to another hard station shall not be treated under Willingness category.

- f. Following cadres of employees shall **ordinarily** be kept exempted from transfer to Hard and very hard stations.

S.No.	Cadre/Post
1	Employees (of all cadres) covered under PH Category
2	Employees (of all cadres) covered under DFR Category.
3	Multi Tasking Staff

However, such exemption shall cease to be in effect in cases of administrative transfer and also in transfer cases where there is no vacancy in Normal Station (other than hard). This will also not be applicable in cases of posting on initial recruitment/promotion.

- g. Following stations are designated as Hard Stations. Inclusion and exclusion of the name of an office/station, in this list, shall

be a matter of revision and update of such list which may be notified by the NIOS from time to time to bring such inclusion / exclusion into effect. Treatment of a station as hard-&-difficult or normal shall be governed by its declared status as applicable on that date. Any change in status of an office/station shall not be applicable to transfers made prior to the date of effect mentioned in such notification.

S.No.	Hard/Very Hard Station	Type of Station
1.	Dharamshala/Shimla	Hard Station
2.	Gangtok	Hard Station
3.	Guwahati	Hard Station
4.	Port Blair	Very Hard Station
5.	Shillong	Hard Station
6.	Leh	Very Hard Station (*proposed to be established)
7.	Srinagar	Hard Station (*proposed to be established)

3.7. DISPLACEMENT TRANSFER (ELIGIBILITY / PROVISIONS):

Such transfer is meant for change of place of an employee from his/her present place of posting (after the completion of prescribed tenure) to a new station / place and shall be brought into effect for the purpose of accommodating another incoming employee on transfer (on request) in his/her place through transfer drive.

- a. Displacement transfer is meant for providing equitable opportunity to an aspiring eligible employee to serve at a station of his/her choice which is occupied by the other similar employee (post of same level) beyond prescribed tenure (cadre wise).
- b. Displacement transfer shall not be treated at par with Administrative Transfer as the employee, under displacement transfer, is made aware of his/her status of displaceability, on account of maturity of the tenure, well before inviting applications for transfer-on-request. Such employee is given equal opportunity to avail transfer (on request) against available vacancies (of his post/cadre) as per his/her priority and station seniority. If he/she does not seek transfer-on-request or fails to avail such transfer even after making request, he/she shall

liable to be displaced in consequence of the request transfer availed by a similar incoming eligible employee during execution of normal transfer process. **Therefore, displacement transfer shall be treated as a normal valid transfer and can neither be impugned nor labelled as punitive transfer.**

- c. NIOS shall ordinarily not displace any deemed employee *suo moto* unless otherwise under administrative compulsion (refer to administrative transfer provision).
- d. Displacement transfer is applicable to all cadres of employee except those mentioned in **para 3.1.b**.
- e. In respect of employees who have completed prescribed tenure (cadre wise) at present place of posting and are liable to be displaced, their status shall be declared as **"deemed to be vacant"** preferably earmarked as **"Deemed Vacant"** or simply **"Deemed"**.
- f. Merely declaring a post as deemed vacant shall not expose a person for compulsory displacement. It shall be subject to options taken by other requesting eligible employee to that deemed post/station and allotment made to him through transfer process.
- g. Employee, declared to be deemed, shall be exposed for displacement only once in annual transfer process every year. Claim of any eligible employee to accommodate him against any deemed vacancy before and after the usual transfer process/drive, shall not be entertained at any cost.
- h. The eligibility criteria for declaring a post of serving employee (of a station/place) as **"Deemed Vacancy"** shall be based on completion of prescribed mandatory tenure of service by an employee at that station. The prescribed tenure for declaring a post as deemed vacancy shall be referred in **para 3.4**
- i. In case of post having more than one deemed employee at a station, the employee having longer stay (in descending order) at that station shall be considered for displacement unless otherwise exempted under suitable provisions of transfer policy.
- j. Employees on displacement transfer shall randomly be allotted any station having **"Actual Vacancy"** only.
- k. If, the employee who gets displaced being deemed through transfer process, has a spouse working there in the NIOS

(satisfying the criteria of valid spouse and eligibility), the said spouse counterpart may also be considered for transfer, if requests to the competent authority through grievance, in order to accommodate both of them in one station as far as possible, subject to availability of actual vacancy at the requested station. In case, it is not feasible to accommodate both the spouse members in the same station for want of vacancies, efforts shall be made to post them in nearby stations, subject to request made by such spouse counterpart, subject to satisfying other eligibility criteria of the spouse counterpart for seeking transfer, besides availability of actual vacancy.

3.8. PROVISION FOR PROTECTION AGAINST DISPLACEMENT (PROTECTED DEEMED EMPLOYEE):

To provide better and stable service conditions with ease to employees coming under priority categories, NIOS facilitates such employees with exemption from displacement even after completion of prescribed normal tenure for being deemed at one station. Such employee shall be earmarked as "**Protected Deemed**". The provision shall be applicable in the manner stated below;

- a. **PH Category:** Employee covered under valid PH Category, shall ordinarily not be displaced from their place of posting beyond completion of prescribed tenure unless otherwise inevitable under administrative compulsion. However, such protection shall be based on production of valid PH certificate.
- b. **DFR Category:** Employee covered under DFR (Due for retirement) category shall be provided exemption from displacement, beyond completion of prescribed tenure at present station, in order to facilitate his terminal service tenure and post-retirement settlements.

It is to note that status of PH and DFR category employee shall be reflected as "Protected Deemed" to maintain transparency in respect of long standing employee covered under these two categories. Therefore, such stations shall not be considered for posting-on-transfer to any other willing eligible employee in any case, even if claimed/ opted by him/her.

- c. Status of protected deemed, if availed on false/improper certificate and/or fabricated/distorted facts shall invite disciplinary proceeding under CCS/CCA rules, besides administrative transfer of the erring claimant.

3.9. ORDER OF PRIORITY FOR EXECUTING TRANSFER:

The transfer of employees shall be executed in following order of priority:

- a. **1st order of transfer:** Employees of PH Category
- b. **2nd order of transfer:** Employees of DFR Category
- c. **3rd order of transfer:** Employees of Hard/Very Hard Station
- d. **4th order of transfer:** Employees covered under Spouse (NIOS/Central/State) Category
- e. **5th order of transfer:** Rest of the employees under Normal Transfer Category including "Willingness to Serve Hard Station".

3.10. RULES OF ALLOTMENT (OF STATION) AND TIE-BREAKING:

a) Request Transfer:

- i. Allotment of an actual/deemed station (on transfer) will be made to eligible candidate only.
- ii. If there is a tie in choice station, the station seniority (at present station in present post) shall be the deciding factor for allotment of station, among same level of priority Category. In case of multiple priorities, the highest priority only, shall be taken for deciding the priority level.
- iii. If there is a tie in station seniority, the old aged employee shall get preference in allotment.

[NOTE: Rule of tie breaking shall not apply in case of allotment of station to displaced employee for the reason that allotment is random and not on the choice station]

- #### **a) Displacement Transfer:** Allotment of station to the displaced employee shall be on random allotment basis and on Actual Vacancy only. Therefore, rule of tie breaking shall not apply here.

4. RULES FOR ADMISSIBILITY OF TRANSFER TA:

Admissibility of Transfer TA shall be applicable in following manner;

- a. Transfer TA shall be admissible in cases of transfer made on **“administrative grounds”** including **“transfer in public interest”** and **“administrative redeployment of surplus staff”**.
- b. Transfer TA shall be admissible in cases of transfer of staff from Normal station to Hard stations on willingness **after completion of prescribed mandatory tenure**. Similarly Transfer TA shall be permissible to all employees availing transfer from Hard Station to Outside Hard Station (i.e., normal station) after completion of the prescribed tenure.
- c. Transfer TA shall be admissible to all cases of transfer of deemed employee-on-displacement.
- d. Transfer TA shall not be admissible under following cases:
 - i. Transfer within Normal stations on request.
 - ii. Transfer within Hard /Very Hard stations on request.
 - iii. Administrative transfer ultimately modified into a request transfer by considering request of the employee.
 - iv. Displacement transfer ultimately modified into a request transfer by considering request of the employee.
 - v. If an employee is allotted a station vide disposal of his grievance (not necessarily his choice station) and he/she joins at the allotted station, the case of such transfer shall be treated as transfer-on-request and Transfer TA shall not be admissible in such transfer unless specified otherwise in the transfer order.

5. GRIEVANCE REDRESSAL:

- a. Grievance arising out due to transfer shall be addressed by the office of **the Chairperson, NIOS** in light of the provisions of transfer policy for the employees of **Group “A” and “B” cadres**. However, for rest of the employees **the Secretary NIOS** shall address such grievance.

The Chairperson, NIOS, in the event of any prevailing circumstance, may delegate the power to any of the subordinate officer(s) at NIOS Headquarters or Regional Centres to address the issues pertaining to transfer and also grievance of the employee on need basis.

- b. If any representation is received from spouse / parents / dependents on behalf of the employee in respect of any matter pertaining to transfer, it shall be assumed that the employee himself is aware of such a representation and that it has been made at his/her instance. Action taken on such representation shall be treated as disposal of grievance of the employee and without being prejudiced, shall be binding on him.

6. POWER OF RELAXATION OF GUIDELINES:

Notwithstanding anything contained in the guidelines, **the Executive Board, NOSS**, shall be the competent body to accord transfer to any employee to any place in relaxation of any or all of the above provisions after recording reasons.

7. INTERPRETATION OF GUIDELINES:

The Executive Board, NOSS shall be the sole competent authority to interpret above provisions and pass such order(s) as deemed appropriate and essential to facilitate the implementation of the guidelines for the purpose of remediating any imbalance resulting/noticed in transfer and effective control and administration of the NIOS as a whole. Such interpretation shall be notified as "Transfer Guidelines" well in advance before inviting transfer application.

8. SAFEGUARD AGAINST EXTRANEOUS INFLUENCE:

The provisions laid down in Rule 20 of the CCS (Conduct) Rules, 1964 stipulates that **"No Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his/her service under Government."**

Therefore, employees shall strictly avoid bringing in any outside influence. If such an influence from whichever source espousing the cause of an employee is received, it shall be presumed that the same has been brought in by the employee. Action may also be initiated against such an employee under relevant service rules.

9. REFERENCE:

This document, henceforth, shall serve as the policy document for all sorts of clarification including legal implications pertaining to transfer of employee in NIOS.

1. ENCLOSURES:

Annexure-I: Proforma of Spouse Certificate

Annexure-II: List of NIOS Offices/Centres.

This policy comes into effect from the date of its notification.

**FORMAT OF CERTIFICATE TO BE FURNISHED BY NIOS EMPLOYEE CLAIMING SPOUSE PRIORITY
(NEATLY TYPED ON THE LETTER HEAD OF THE ORGANISATION WITH REFERENCE NO. & DATE OF ISSUE)**

Ref. No.

Date of Issue

CERTIFICATE OF WORKING SPOUSE

This is to certify that Sh. / Smt., wife / husband of Smt. /Sh., is working as (name of post) in this organization (name of the organisation) since (date of joining) and of this office (name with station/office) since (date of joining) till date.

To be filled in, by the Issuing Authority with applicable correct option:

1. Is the organization a Central Govt. / Central Govt. PSU / State Govt. / State Govt PSU?

Register correct option:

2. Is he/she is a "Permanent" or "Contractual" employee? [Here contractual refers to employee on any alternate or ad hoc arrangement other than the permanent employee. Please refer to para 3.5.c. of the policy document.]

Register correct option:

3. The "Date of Birth" of employee as per records

4. Mobile no. of the employee:

Sign. of the Competent (Issuing) Authority

Name

Post held:

Contact no. of Issuing Auth.

Official Seal.....

Please note:

1. The Spouse certificate should be produced on official letterhead of the organization.
2. Spouse Certificate is only a declaration about an organization and status of employee working in it. Merely submission of spouse certificate may not entitle the NIOS employee for claim under priority category.
3. Mobile no. / contact no. of Issuing Authority is **mandatory requirement**.
4. **The certificate must be signed or countersigned by competent authority.**
5. **Spouse certificate should be the latest one and in the prescribe/revised format only.** Old Spouse certificate will be rejected. Forged/improper certificate in any respect will be rejected and bound to be taken into disciplinary / IPC proceedings against user and issuing authority through proper channel.
6. Any employee willing to claim status of "Protected Deemed" or willing to get "transfer-on-priority" must submit relevant certificate in his/her office, prior to declaring vacancy status in public domain.
7. **Employee of NIOS, having working spouse as a permanent employee only in Central/State Govt. organization/PSU, is entitled for priority of spouse ground.**

5

List of Centres/Sub centres/Offices of NIOS

S.No.	Status of Establishment	Name of Centre/Office
1	NIOS Headquarters	Noida
2	NIOS Regional Centre	Bengaluru
3		Bhopal
4		Bhubaneswar
5		Chandigarh
6		Chennai
7		Dehradun
8		Delhi
9		Dharmshala
10		Gandhinagar
11		Gangtok
12		Guwahati
13		Hyderabad
14		Jaipur
15		Jammu
16		Kochi
17		Kolkata
18		Prayagraj
19		Amethi
20		Patna
21		Pune
22		Raipur
23		Ranchi
24		Visakhapatnam
25	NIOS Sub Regional Centre	Darbhanga
26	NIOS Centre	Shillong
27	NIOS Cell	Port Blair

NOTE: List is subject to revision at anytime. Inclusion or exclusion shall be subject to opening/closure of any establishment by the NIOS administration.