

# राष्ट्रीय आदिवासी छात्र शिक्षा समिति

(जनजातीय कार्य मंत्रालय के अंतर्गत  
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No. NESTS/H-1/58/Policy/2024-25  
E-Office No. 29003

Dated: 23/12/2024

To,

The Commissioner/Member Secretary/Director  
State/UT EMRS Society

### Subject: Transfer Policy-2024.

Please find attached "Transfer Policy-2024", which was approved in the 15<sup>th</sup> GBM meeting of NESTS, for your information and necessary action. This policy will come into force with immediate effect.

Encl: As above

-sd-

(Anupam Sonalkar)  
Joint Commissioner

Copy to:

1. Principal Secretary, State/UT EMRS Society
2. All Principals, NESTS
3. PA to Commissioner, NESTS

# **National Education Society for Tribal students**

## **Transfer Policy-2024**

### **INTRODUCTION**

Transfer policy of any organization (having pan-India presence) is dynamic in character and reviewing and revision are inherent in its making. Transfer policy of NESTS aims to offer equitable opportunity to all employees of NESTS to opt stations of their choice for seeking transfer as per their eligibility / priority and provide sufficient man power for smooth functioning of its units/offices. The transfer system in NESTS will be governed by a well-defined Transfer Policy and subsequent guidelines / clarification which will be issued from time to time with a view to facilitate the employees to avail transfer with utmost transparency and accuracy.

### **1. TRANSFER POLICY**

The policy and the provisions are being detailed hereunder in the following heads:

- Broad objectives of the transfer policy
- Basic principles/guidelines.
- Broad categories of transfer
- Ensuring availability of female teachers to look after girls
- Types of vacancy
- Cut-off date of transfer drive
- Eligibility criteria for seeking transfer (normal/non-priority category)
- Eligibility criteria for seeking transfer (priority category)
- Transfer of employee into or out of Hard/LWE stations.
- Provision of Cumulative tenure count (administrative transfers)
- Provision for weightage to multiple priority
- Displacement transfer (Provision / eligibility)
- Provision for protected deemed employee
- Order of priority for executing transfer
- Rules of allotment (of station) in request transfer

- Rules of tie breaking
- Rules for admissibility of Transfer TA
- Grievance redressal Mechanism
- Power of relaxation of guidelines
- Interpretation of guidelines
- Safeguard against extraneous influence
- Operative elements of transfer drive
- Reference
- Annexures

## **2. OBJECTIVE**

- (a) NESTS shall strive to maintain equitable distribution of its employees, through its transfer policy, in a transparent way to ensure efficient functioning of the organization, with special regard to protect academic interest of students and optimize job satisfaction amongst employees.
- (b) Employees are liable to be transferred anywhere in India at any point of time and transfer to a desired location cannot be claimed as a matter of right. While effecting transfer, the organizational interest shall be given uppermost consideration and the problems and constraints of employees shall remain subservient.

## **3. BASIC PRINCIPLES/GUIDELINES**

- (a) Transfer/posting to a choice place/desired station shall not be claimed as a matter of right.
- (b) Transfer of an employee in NESTS shall be based on tenure of service at the present station in the present post. Some crucial determinants for transfer are as under:
  - i) Availability of Vacancy.
  - ii) Eligibility.
  - iii) Priority factors such as Disability, Serious Ailments, Spouse working at a station, Single Lady and Due for Retirement (DFR) status of an employee.
  - iv) Redeployment of surplus staff to other location against available vacancy.
  - v) Redeployment of employee from a station to other station for optimum/proper utilization of human resources (man power).
  - vi) Posting in Home District which is not permitted.

- vii) Shifting of employee from a station where his/her further continuation is not in the interest of the station.
- (c) A period of 03 years as lock-in shall remain applicable on all kinds of transfer and posting for new recruitee on direct recruitment (on probation) as well as posting of old (existing) employee on promotion except for priority category and also the administrative transfer at clause 4.1(c)(v). [*Refer to clause of Priority cases, Cumulative tenure & DFR provisions, wherever applicable*]
- (d) An employee on transfer from one station to the other station shall not be considered for request transfer before he/she completes the prescribed mandatory tenure (as applicable cadre/station/priority wise) at his/her new place of posting. [*Refer to clause of Priority cases, Cumulative tenure & DFR provisions, wherever applicable*]
- (e) An employee on initial posting after recruitment/promotion will not be considered for request transfer before he/she completes the prescribed mandatory tenure at his/her initial place of posting, in the present post.
- (f) An employee recruited under Special Recruitment Drive for NER/Hard stations shall not be considered for transfer out of region before the completion of mandatory tenure as mentioned in the notification of said recruitment drive. The counting of mandatory tenure shall be made from the actual date of joining of the incumbent under such drive. However, his/her transfer may be considered from one EMRS to another after completion of three years of service **within** the notified areas of NER & Hard stations (as the case may be) for which they have been recruited. Execution of transfer of such employees should be as per the transfer policy.
- (g) Leave/absence of any kind of more than 60 days in a single span or 120 days in an academic year counted from April to next March (except due to Maternity Leave) in a single span, availed by the official, shall not be counted for determining total period of stay for deciding eligibility towards seeking transfer. However, such absence shall not make any difference in declaring status of an employee/official deemed or compulsory deemed. The provision is equally applicable on all cadres of employees.
- (h) No employee shall be posted back to a station from where he/she has been transferred on the administrative (with or without disciplinary) grounds.

- (i) No employee of the NESTS, shall be transferred to his/her home district. In case of NESTS Spouse, neither of the members of spouse shall be allowed for posting to a station which is a home town of either of the spouse counterparts of such spouse.
- (j) Transfer on request will normally be made in April of the 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, his ailing spouse/son/daughter, may be effected by authority at any time during the year against available actual vacancy to ensure proper treatment and / or rehabilitation to save life of the employee.
- (k) Transfer orders issued by the NESTS on request basis with due approval of the competent authority will not be cancelled.
- (l) Attempt to bring any political or other outside influence for transfer on any superior authority of the Samiti shall be treated as misconduct and would be liable for disciplinary action under CCS (CCA) Rules.
- (m) As initial posting on either recruitment or promotion shall always be a matter of administrative requirement of the NESTS in view of providing man power to EMRS based on the academic and administrative necessity, hence transfer provisions are not applicable for posting on direct recruitment or promotion.
- (n) Employees **“Due for Retirement”** within two succeeding years as on cut-off date of the transfer year, hitherto termed as **DFR**, shall be allowed to continue at their present station till retirement unless such employee requests for transfer.
- (o) Efforts will be made to ensure that persons with benchmark disabilities are posted closer to their home town subject to availability of vacancies and other provision of these guidelines.
- (p) These guidelines regarding transfer are meant essentially for the internal use of the NESTS and do not vest any employee with any right.

#### **4. VARIOUS PROVISIONS:**

The prime feature of the transfer of employees in NESTS shall be “on request basis” subject to other parameters as defined through various provisions. However, transfer in NESTS shall be categorized into following major heads:

##### **4.1. BROAD CATEGORY OF 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 in transfer drive is mandatory. Provision will be made in the online transfer portal to submit options for request transfers.
- b. **Displacement Transfer:** Transfer of an employee (who has completed prescribed maximum tenure as per guidelines) from the present place of posting to a new station/place shall be brought into effect for the purpose of accommodating another incoming eligible employee-on-transfer in his/her place. Such transfer shall be a consequence of usual/normal transfer drive wherein employee primarily gets intimated about his/her displaceable (deemed) status and even after given opportunity for request transfer, does not get transfer to choice station. 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. Displacement transfer is subject to declaration of employee status as deemed and hence it may commence irrespective of participation of employee. *[Also refer to clause protection accorded to PwBD and DFR]*
- c. **Administrative Transfer:** The transfer which is effected by the NESTS suo moto in the exigencies of service and administration as well as in public interest. Through such transfer, NESTS shall ordinarily:
- i) Redeploy surplus staff at a location against sanctioned vacancies or due to abolition of post at that location. Such redeployment shall be effected in the very first instance against the available vacancies within the region and in case no vacancy is available within the same Region, then in adjoining Regions. 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 exigency of the services as may deem fit by competent authority of NESTS.
  - iii) Balance the Male-Female ratio of Teaching cadre employees in a EMRS as mentioned at **point 4.2**
  - iv) Transfer of an employee whose continuation at particular station is not conducive from administrative point of view. Such

transfer may be executed based on certain inquiry (preliminary/detailed) as considered deemed fit in the case and after recording reasons of such transfer. Therefore, such transfer shall be of two types:

- a) Administrative Transfer with Disciplinary Proceedings.
- b) Administrative transfer without Disciplinary Proceedings.

*[Refer to provision of cumulative tenure count for securing eligibility of employee on administrative transfers – Clause no.4.8].*

- v) Lock-in period clause mentioned at 3(c) is not applicable for effecting administrative transfer.

#### **4.2. ENSURING AVAILABILITY OF FEMALE TEACHERS TO LOOK AFTER THE GIRLS.**

EMRS is a co-educational residential school. It is very essential to have female teachers to guide the girls from Classes VI to XII and also to oversee residential administration along with ensuring safety and security of the girl students. All efforts will be made to post / transfer female teachers in EMRS in such a way that the strength of female teachers in a EMRS is not less than 20% and not more than 60% of the teaching cadre, in any case. *(Refer to para 4.1(c)(iii) of administrative transfer regarding the Male-Female Ratio)*

#### **4.3. TYPE OF 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 NESTS 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 to be vacant”** or **“Deemed Vacancy”** or simply **“Deemed”**. Deemed vacancy being a vacancy, such declared place shall be allotted to an eligible employee, if opted by him/her.
- c. Vacancies displayed to employees 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/transfer & posting effected as per direction of Hon’ble court/transfer effected under relaxation of provisions of transfer policy / appointment / 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, NESTS

deserves the right for updating (inclusion/exclusion) of vacancies depending on administrative exigencies as well as interest of the organization.

#### **4.4. CUT-OFF DATE OF TRANSFER DRIVE:**

The cut-off date for all kinds of eligibility shall ordinarily be 31<sup>st</sup> of March of the year of transfer drive. However, vacancy arising out due to retirement of the incumbent shall be counted as on 30<sup>th</sup> of April of the transfer year. Decision regarding cut-off date is intended to facilitate administrative execution of transfer drive, movement of employees to their allotted station and streamlining the academic requirement. Therefore, change in cut-off date, if any due to administrative exigency, shall be notified through its guidelines well before launch of transfer drive.

#### **4.5. ELIGIBILITY CRITERIA FOR SEEKING TRANSFER (Normal/non-priority category):**

An employee shall acquire eligibility to seek transfer in NESTS based on completion of prescribed tenure of service rendered at present station in present post (refer to cumulative tenure wherever applicable). The prescribed tenure of different cadres of employees for seeking transfer-on-request is as under;

| <b>S. No.</b> | <b>Post/Cadre</b>  | <b>Normal tenure prescribed at one station (in years)</b>                        |
|---------------|--|--|
| 1.            | Principal / Vice Principal / Accountant  | 05 years   |
| 2.            | PGT / TGT (Hindi, English, Mathematics, Science, Social Science)/ Art Teacher, Music Teacher, PET, Librarian/ Counselor/Staff Nurse /Catering Assistant/ Hostel Warden / Senior Secretariat Assistant / Junior Secretariat Assistant | 07 years   |
| 3.            | Teaching Staff recruited under "Special Recruitment Drive" conducted by NESTS with a pre-condition to serve at particular station/area for pre-fixed term.   | As mentioned in notification of such recruitment and in the offer of appointment |
| 4.            | Driver / Electrician-cum-plumber / Lab. Attendant / Cook / Mess Helper / Chowkidar / Sweeper/ Gardener   | 03 years   |

#### **4.6. ELIGIBILITY CRITERIA FOR SEEKING TRANSFER (Priority category):**



Details of priority categories are as under: -

- a) **PwBD Category:** Status of an employee shall be considered under priority category of *PwBD* 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**. *PwBD* certificate having re-assessment clause, must be renewed prior to expiry of the period.
- b) **Spouse Category:** Transfer of husband/wife at one station for unification or nearby station (DOPT OM No.:28034/9/2009-Estt.(A) dated 30<sup>th</sup> September, 2009) has been a vital factor of transfer system of NESTS. Employee of NESTS 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 on regular basis in same organization i.e., NESTS.
  - ii) his/her spouse is a permanent employee on regular basis in Central Govt Office/Department.
  - iii) his/her spouse is a permanent employee on regular basis in Central Govt PSU.
  - iv) his/her spouse is a permanent employee on regular basis in State Govt Office/Department.
  - v) his/her spouse is a permanent employee 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 working spouse should be a full fledged, full timer employee, against a permanent post in Govt. office/department as a regular employee drawing standard salary and perks for the cadre of service. Any Ad hoc or substitute arrangement shall not come under the defined terms of Government Servant.

The NESTS employee whose working spouse in NESTS/Central/State Govt service, does not **conform** to above conditions or otherwise governed by separate service rules other than the standard NESTS/Central/State Govt. service rules, shall not be treated 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 working spouse and opting a station may not render any NESTS 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, the transfer under spouse category shall be governed in following order of priority:

- i. NESTS Spouse
- ii. Central / State Govt. (including PSU) Spouse

Any NESTS employee satisfying above clauses and posted anywhere in India shall claim transfer under Spouse priority category. [*Refer separately to “Valid Spouse Category” for availing protection from displacement under provision for Protected Deemed employee*].

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

c) **Single Lady Category:** NESTS is committed to facilitate working Single Lady of the organization by extending her the status of priority category and provide better opportunity to settle herself by seeking request transfer to station of their choice and work with ease. Following female employee shall be considered under single lady category:

i) **Unmarried Lady:** Unmarried female employee of NESTS, on production of relevant certificate (in Annexure – I) by the EMRS in prescribed format based on declaration made by the employee and entry made in service book thereof. Unmarried Lady shall be debarred of the provision of Single Lady, once undergone marriage prior to transfer drive.

ii) **Widow (lady):** The female employee of NESTS whose husband has expired. Her claim of priority is subject to production of death certificate (issued by the competent district authority) of her husband and its entry into the service book. The copy of the death certificate (of spouse) must be self attested by the claiming employee and verified/countersigned by the Principal of the EMRS. Death certificate of husband must be enclosed along with certificate issued by the Principal in Annexure – I. Widow Lady shall be debarred of the provision of Single Lady, once undergone remarriage prior to transfer drive.

iii) **Divorced Lady:** The female employee who has been legally separated from her husband shall be treated under priority of single lady subject to production of the valid separation decree from the court of law and proper entry of the same in service book of the employee. Any issue of divorce which is under trial

in court of law shall not make the ground for availing priority in the name of divorced female employee. The certificate for claim of priority should be in the prescribed format (Annexure – I). Divorced Lady shall be debarred of the provision of Single Lady, once undergone remarriage prior to transfer drive.

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

- d) **Serious Ailment (Medical Category):** Status of an employee shall be considered under Medical priority Category for transfer, if he/she, his/her spouse and dependent son/daughter are suffering from any of the enlisted serious ailments as mentioned in Annexure – III of Transfer Policy. Production of valid certificate from **CMO/CMS/Civil Surgeon** of the district medical administration or **countersignature of CMO/CMS/Civil Surgeon** (if certificate is not issued by such medical authority) is a mandatory requirement to claim priority/relaxation under medical category. With a view of acquiring stability in status of the claimant involving detection / treatment / surgery and rehabilitation, a maximum period of 05 years shall uniformly be treated as valid period for availing priority in all kinds of enlisted serious ailments for the purpose of availing transfer on medical grounds. This interpretation facilitates that an employee can claim transfer on priority of medical grounds, only if the date of detection / treatment and/or surgery (if undergone at a later stage) falls within 05 years prior to cut-off date of transfer drive (year). Ailment detected or surgery involved after the cut-off date shall not form the basis of availing transfer in the year of transfer drive.

It is to clarify that priority / relaxation on medical grounds shall be based on the certificate compulsorily reflecting date of detection and/or surgery of the valid serious ailment. Therefore, certificate issued in respect of follow-up treatment of any valid ailment shall not be considered as valid certificate for availing priority under medical category.

- e) **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 58 years of age by 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 years on priority grounds of *PwBD* /Medical/Spouse/Single Lady, he/she shall not be eligible to seek transfer in consecutive year under any of these priorities due to provision of lock-in period. However, he can avail transfer under DFR category. Once transfer is availed, no further transfer will be entertained except administrative transfer.

This provision shall be considered applicable at par to all cadres for general transfer. The tenure of eligibility for different priority categories shall be as under:

| <b>S. No.</b> | <b>Priority</b>  | <b>Post/Cadre</b> | <b>Mandatory Tenure prescribed at present station (in years)</b>   |
|---------------|--|-------------------|--|
| 1.            | <i>PwBD</i> Category   | All Cadres        | <b>02 years</b> at present station.  |
| 2.            | Single Lady (Unmarried Lady / Widow Lady / Divorced Lady)              | All Cadres        | <b>02 years</b> at present station.  |
| 3.            | Spouse Category (NESTS/Central Govt./State Govt. Spouse including PSU) | All Cadres        | <b>02 years</b> at present station.  |
| 4.            | Serious Ailment (Medical Category)                                     | All Cadres        | <b>02 years</b> at present station.  |
| 5.            | DFR Category   | All Cadres        | <b>Once transfer is availed, no further transfer will be entertained except administrative transfer.</b> |

- f. Only employee (self), his/her spouse and son/daughter shall form the basis for claiming transfer under priority category of *PwBD* and Serious Ailment (Medical). Father, mother, brother, sister and other relatives of the employee shall not make the criteria for claiming transfer under priority despite being dependant on the employee concerned.
- g. 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.

- h. It is to note that there is no provision of uploading any certificate at the back end (HQ level). Therefore, late production of certificate may not entitle the claimant for benefit of priority category.
- i. 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 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 asked in the prescribed format.

j. **If an employee avails transfer under any of the priority categories, there shall be a cap of 05 years on him/her for seeking next transfer under any priority category again.** It is to make clear that an employee may qualify for one or multiple priority categories for seeking transfer. If that employee avails transfer claiming any or multiple priority categories, he/she shall not be eligible to seek transfer for next 05 years under same or any other priority category. Therefore, employee shall opt stations meticulously while claiming transfer under priority category. ***However, he/she may seek transfer to Hard station under Willingness category. [Also refer to clause of DFR category for eligibility of transfer wherever applicable].***

#### **4.7 ELIGIBILITY / PROVISION FOR TRANSFER OF EMPLOYEE INTO AND OUT OF HARD (HARD/LWE) STATIONS:**

- a. In view of maintaining the quality education and administration of the resident students of NESTS of hard stations, one of the

priorities of the NESTS is to fill up the vacancies of teaching staff in hard / LWE stations. Therefore, one mandatory tenure of posting in hard / LWE stations shall be compulsory for the teaching employees (TGT and above) of EMRS cadre.

- b. To provide sufficient man power to NESTS under hard stations, NESTS shall fill the vacant posts in four ways;
  - i) by posting the employees of normal/plain station who are willing to serve in hard stations.
  - ii) by displacing the employee working at stations other than hard/LWE and who have not served in hard 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 station.
  - iv) by conducting Special Recruitment Drive for teaching staff of EMRS cadres for Hard station.
- c. Other priority of the NESTS is to provide sufficient opportunity for transfer to those employees who are serving at hard stations and willing for transfer outside of hard station as per eligibility.
- d. Another priority of the NESTS is to pay due attention to employees who are serving in hard station and willing to change stations within hard stations.
- e. In view of facilitating transfer of employee into or out of hard / LWE station, special tenure, as mentioned below, has been defined:

| <b>S. No.</b> | <b>Priority</b>  | <b>Post/Cadre</b> | <b>Mandatory Tenure prescribed at present station (in years)</b> |
|---------------|--|-------------------|--|
| 1.            | Transfer from Normal/Plain station to Hard / LWE station on Willingness. | All Cadres        | <b>03 years at present Normal / Plain station.</b>               |
| 2.            | Transfer from Hard Station.  | All Cadres        | <b>03 years at present hard</b>                                  |

|    |  |            |   |
|----|--|------------|---|
|    |  |            | <b>station.</b>                         |
| 3. | Transfer from LWE Station.   | All Cadres | <b>03 years at present LWE station.</b> |
| 4. | <p>(a) Employee serving at hard station and seeking transfer to another hard station shall be considered for transfer under “Hard station category” only. Being already at hard station, such employee shall not be considered for transfer to another hard station under the category of <b>“Willingness to Serve Hard Stations”</b> as provision of willingness to serve hard station applies only to employee serving at Plain (Normal) station.</p> <p>(b) Tenure for according eligibility to employees of different types of hard station is different. However, for processing of the request of transfer for priority, all of them stand at par with one another.</p> <p>(c) The provision of tenure for transfer under Hard / LWE category is not mandatory for cadres like Driver, Electrician-cum-plumber, Lab. Attendant, Cook, Mess Helper, Chowkidar and Sweeper. However, they will hold the benefit of priority while deciding merit for allotment of station.</p> |            |   |

- f. Service in hard station is a region-specific feature. Therefore, change of station by an employee from a hard/LWE station to the other hard/LWE station (interchangeably among types of hard stations) **within the hard stations of the same region**, shall count for continued service in hard station subject to completion of 2 years in the present station *[Refer to provision for cumulative tenure of hard station for counting of cumulative tenure wherever applicable – Clause no.4.7 (i)]*.
- g. Change of station by an employee on taking transfer from hard /LWE station of one region to any of the plain/normal stations shall count for transfer from “hard to outside hard station”. Similarly, transfer from hard/LWE station of one region to the other hard/LWE station of the other region shall be meant for transfer out of hard station and, thus, shall not count for continued service in hard station.
- h. List of all Hard / LWE Stations will be notified separately by following the due procedure.

- i. **Benefit of cumulative tenure for eligibility to employees working in hard station:** If an employee has successfully worked in different EMRSs in Hard/LWE stations of a region in a row in the current spell, the tenure of **immediate previous station** shall be used as a cumulative factor to determine his/her eligibility (for transfer) from present station subject to qualifying 2 years service at the present station. The governing provisions of cumulative tenure shall further be as under:
- i. If an employee serving at present hard station, is eligible by virtue of his tenure at present station, the provision of cumulative tenure count shall not be extended to him.
  - ii. If an employee serving at present hard station, is not eligible by virtue of his tenure at present hard station, his tenure of service at immediate previous hard station (of the same region) shall be the deciding factor of his eligibility. If he is eligible to seek request transfer due to stay at his immediate previous station, he shall be considered eligible to seek transfer due to stay at his **immediate previous station only** subject to lower hard station's category (between present and immediate previous station).
  - iii. If an employee serving at hard station, employee is neither eligible by virtue of his tenure at present hard station nor his tenure at previous hard station (of the same region), his tenure of eligibility shall be decided by cumulating the tenure of present hard station and immediate previous hard station of the same region, restricting the eligibility to lower hard station's category (between present and immediate previous station).
  - iv. It is to clarify that such provision of **cumulative tenure of hard stations shall be region specific** and shall not be applicable for two different hard stations of different regions.
  - v. By mentioning hard station, it implies for hard and LWE stations interchangeably among such stations.
- j. Provision of Cumulative Tenure Count (in hard stations) is aimed to facilitate employees to acquire eligibility by



safeguarding tenure of the immediate previous station (of the same region).

#### **4.8 PROVISION OF CUMULATIVE TENURE COUNT (SAFEGUARDING ELIGIBILITY IN ADMINISTRATIVE TRANSFERS):**

NESTS intends to address the plight of those employees who lose tenure of service of a station and consequently, lose eligibility in transfer system, if given transfer out of turn (out of usual transfer drive) at any point of time due to some or the other valid reason under administrative compulsions. Therefore, provision has been made to safeguard and validate the tenure of previous station in such cases of transfer in following manner and methodology:

- a. Following administrative compulsions shall be considered under this provision:
  - i) Administrative Transfer without Disciplinary proceedings.
  - ii) Administrative Transfer with Disciplinary proceedings.
  - iii) Administrative Redeployment of surplus staff.
  - iv) Transfer of employee in public interest.
- b. Provision of cumulative tenure count in administrative transfer cases shall be applicable on present station and restricted to consideration of tenure of immediate previous station only (from where he was given transfer on administrative grounds).
- c. As the provision of Admin Cumulative Count is **not region specific** character, tenure of immediate previous station of any region shall be considered for safeguarding eligibility for seeking transfer under this provision.
- d. To secure eligibility of an employee on transfer under administrative compulsions, the provisions of cumulative tenure count shall be applicable in following manner:
  - i. If an employee serving at a station is eligible by virtue of his stay at present station itself, there shall be no counting of tenure of the immediate previous station to decide his/her eligibility, even if the employee's stay at present station is due to administrative transfer from the previous station.
  - ii. If an employee serving at a station (due to administrative transfer) is not eligible by virtue of his stay at present station, his tenure of service at immediate previous station shall be the deciding factor of his eligibility. If he is eligible to seek transfer due to stay at his immediate

previous station he shall be taken eligible on the basis of immediate previous station only.

- iii. If an employee serving at a station (due to administrative transfer) is neither eligible by virtue of his stay at present station nor his tenure of service at immediate previous station, his tenure of eligibility shall be decided by cumulating the tenure of present station and immediate previous station restricting the eligibility on overall lower station type (between present and immediate previous station).
- iv. A lock-in period of 02 years shall be imposed on employee whose stay at present station is a consequence of **“Administrative Transfer with Disciplinary Proceedings”** and seek eligibility for next transfer by adding tenure of present and immediate previous station. Employee in such condition can avail transfer with benefit of cumulative provision on completion of 02 years of service at present station only.
- e. It is to note that availing transfer on priority of *PwBD* /Spouse/Medical/ Single Lady/DFR is a matter of eligibility exclusively at present station. Therefore, in cases of availing admin cumulative tenure count (of both present and immediate previous station), the transfer under priority of *PwBD* /Medical/Spouse/Single Lady/DFR shall always be subject to completion of the prescribed tenure at present station only.
- f. Provision of Cumulative Tenure Count (in administrative transfers) is aimed to facilitate employees to acquire eligibility by safeguarding tenure of the immediate previous station.

#### **4.9DISPLACEMENT TRANSFER (ELIGIBILITY / PROVISIONS):**

Such transfer is meant for shifting 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 in his/her place.

- 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 employee of same post beyond prescribed tenure.

- b. Displacement transfer is a normal transfer as the employee is made aware of his/her status of displaceability well before inviting application. Such employee is given equal opportunity to avail request transfer against available vacancies (of his post) as per his/her priority and station seniority. If he/she fails to avail request transfer, 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, such transfer shall not be treated as administrative transfer.
- c. NESTS shall ordinarily not displace any deemed employee suo moto unless otherwise under administrative compulsion (refer to administrative transfer provision).
- d. Displacement transfer is applicable for all cadres of employee
- e. In respect of employees who have completed prescribed tenure 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 Vacancy”** 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 the same post/place and allotment made to him through transfer process.
- g. Employee declared to be deemed shall be exposed for displacement only once in usual annual transfer process (i.e., in Round 01 of usual transfer drive only). However, once displaced, he/she would be eligible to participate in subsequent rounds of transfer drive. Claim of any employee to accommodate him against any deemed vacancy after Round 01 or beyond 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 as below:

| S. No. | Post/Cadre                   | Normal tenure for declaring deemed, prescribed at one station (in years) |
|--------|------------------------------|--|
| 1.     | Principal / Vice Principal / | 05 years   |

|    |  |   |
|----|--|---|
|    | Accountant   |   |
| 2. | PGT / TGT (Hindi, English, Mathematics, Science, Social Science)/ Art Teacher, Music Teacher, PET, Librarian/ Counselor/Staff Nurse /Catering Assistant/ Hostel Warden / Senior Secretariat Assistant / Junior Secretariat Assistant | <b>10 years</b>                         |
| 3. | Driver / Electrician-cum-plumber / Lab. Attendant / Cook / Mess Helper / Chowkidar / Sweeper   | <b>10 Years (Within the same state)</b> |

- i. In case of post having more than one deemed employee, the employee having longer stay at that station shall be considered first for displacement unless otherwise exempted.
- j. Employees on displacement transfer shall randomly be allotted any station having **“Actual Vacancy”** only.
- k. One of the important priorities of NESTS is to provide sufficient man power to Hard stations including LWE areas for maintaining quality education and administration. Therefore, displaced employees pertaining to TGT and above, having age less than 45 years as on cut-off date and having no past service in hard station / LWE areas, shall compulsorily be posted to serve at least one complete tenure on such stations. Considering service in hard station a compulsory factor for such cadres, their request for modification in place of posting, if any, shall be restricted to available vacancy among hard stations only.
- l. Employee of 45 years of age and above (as on cut-off date) shall ordinarily not be posted to Hard stations on displacement unless actual vacancy of normal/plain station is exhausted. In such ordinary cases of displacement, allotment of station may be done in following ways, as far as possible;
  - i) among actual vacancy available in State of posting.
  - ii) Then among actual vacancy available in other states of present region.
  - iii) Then among any actual vacancy of any region.
- m. If, the employee who gets displaced being deemed barring point 4.9(k) through transfer process, has a spouse working there in the NESTS (satisfying criteria of valid spouse), the said spouse counterpart may also be considered, as far as possible, for

transfer in grievance round in order to accommodate both of them in one EMRS. In case, it is not possible to accommodate both the spouse members in the same EMRS for want of vacancies or both being of the same post, efforts will be made to post them in nearby EMRS subject to request made by the such spouse counterpart, availability of actual vacancy and satisfying other eligibility criteria of the spouse counterpart for seeking transfer.

#### **4.10 PROVISION FOR PROTECTED DEEMED EMPLOYEE:**

To provide better and stable service conditions with ease to employees coming under priority categories, NESTS 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. **PwBD / Single Lady / DFR Category:** Employee covered under valid *PwBD / Single Lady* and DFR (due for retirement) category shall avail protected deemed status beyond prescribed tenure of service (as specified normally for being deemed at one station – *clause 4.9.h.*) subject to production of valid certificate required for claiming priority satisfying all clauses of guidelines. The continued protection shall further be restricted by the clause of compulsory deemed declaration wherever applicable.
- b. **Spouse Category:** In view of safeguarding the interest of working spouse, NESTS employee having working spouse (as per guidelines) in NESTS/Central Govt./State Govt. and posted in same EMRS or district, other EMRS or district in same state and adjoining EMRS or district of adjoining state shall only be considered having valid spouse status to avail protected deemed status beyond prescribed tenure of service (as specified normally for being deemed at one station) subject to production of valid certificate required for claiming priority satisfying all clauses of guidelines. The NESTS spouse having valid working spouse at a location other than the aforementioned locations, shall not be entitled for protected deemed status in any way. The continued protection shall further be restricted by the clause of compulsory deemed declaration.
- c. **Medical (Serious Ailment) Category:** Employee covered under Medical (serious ailment) category shall avail protected deemed status beyond prescribed mandatory tenure of service (as specified normally for being deemed at one station) restricted to

a maximum of 05 years tenure from the date of detection and/or surgery (if undergone at a later stage) of the ailment subject to satisfying all clauses of guidelines. It means if the enlisted ailment of a TGT is detected in 08<sup>th</sup> year of his tenure, his/her priority/protected deemed status shall cease to be in effect in 13<sup>th</sup> year of his/her tenure at present station by the date when it completes 05 years. However, if surgery is performed on 12<sup>th</sup> year for the same ailment, he/she shall be eligible to avail protected deemed status for next 05 years, restricted to clause of compulsory deemed declaration of the transfer provision in toto *[as per clause 4.11.]*.

- d. Status of all such “Protected Deemed” employees shall, after verification on the basis of produced documents, be placed in public domain, prior to inviting application for transfer. It is to note that status of post marked as “Protected Deemed” is not a vacancy, rather it is a step for bringing transparency by showing the status of a longstanding employee at his place of posting. 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.
- e. Any claim of employee for declaration of his/her status as protected deemed shall be subject to production of valid certificate issued by competent authority well before declaration of vacancy in public domain.
- f. Merely production of a certificate by competent authority for claim of status under “Protected Deemed” shall not entitle an employee for such benefit. It is subject to further satisfying all clauses/criteria of being under priority category. Following conditions shall serve as ground for complete rejection of the claim of employees for declaration of his/her status under “Protected Deemed”.
  - i) Non production of valid certificate prior on time, 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 does not have the complete details as asked in the prescribed format.

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

**4.11 COMPULSORY DECLARATION OF DEEMED STATUS (restricting lifetime protection of Priority Category to maximum 15 years):** Any employee, under any of the valid priority categories, having served at one station and completed 15 years of tenure at present station in present post, counted as on cut-off date, shall compulsorily be declared “Deemed” by suppressing all exemption clauses and hence his/her post shall be exposed for displacement through usual transfer process. Exception to this clause shall be DFR (due for retirement) cases.

It is to note that declaration of deemed status is an individual character of a post by considering the status of individual employee. Therefore, in case of unified NESTS spouse, the spouse member who completes 15 years of service at present station in present post, shall only be declared “Compulsory Deemed”. It is, thus, advisable to spouse cases to exercise their preferences, wisely and widely, to accommodate themselves suitably through the system of automation, prior to achieving compulsory deemed status in transfer process. Unification shall always be a combined probability of available vacancy, choice stations opted by spouse members, hierarchy in priority, station seniority and other relevant parameters. Therefore, unification may be a concern for providing opportunity and can not be claimed as a matter of right.

**4.12 ORDER OF PRIORITY FOR EXECUTING TRANSFER:**

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

- a. Transfer of employees of *PwBD* category (**1<sup>st</sup> order of transfer**)
- b. Transfer of employees of Medical category (**2<sup>nd</sup> order of transfer**).
- c. Transfer of employees under Spouse Category (both in EMRS) (**3<sup>rd</sup> order of transfer**).
- d. Transfer of employees under Single Lady Category (**4<sup>th</sup> order of transfer**)
- e. Transfer of employees under Central/State Spouse Category (**5<sup>th</sup> order of transfer**).

- f. Transfer of employees of Hard/LWE Stations (**6<sup>th</sup> order of transfer**).
- g. Transfer of employees under DFR (due for Category (**7<sup>th</sup> order of transfer**)).
- h. Transfer of rest of the employees (non-priority cases) under Plain Category along with employees seeking transfer willingly to hard stations (**8<sup>th</sup> order of transfer**).

#### **4.13 RULES OF ALLOTMENT (OF STATION) IN REQUEST TRANSFER:**

##### **a. Allotment in Priority Category Transfer:**

- i. Among same level of priority Category, the station seniority shall be the deciding factor for allotment of station.
- ii. In case of tie, employee possessing multiple priorities shall get preference over other employee possessing single priority or multiple priorities in the way explained under “Provisions of Weightage to Multiple Priority”.
- iii. **Methodology of giving weightage to multiple priority (in case of tie in priority cases):** Giving due weightage to type of priority and its order in the preferential sequence, NESTS facilitates employees possessing multiple priority while comparing with the other employee possessing single /multiple priority provided only if there is a tie between similar higher order of priority. Accordingly, if there is a tie, the allotment shall go in favour of employee possessing multiple priorities in its **preferential order at subsequent levels.** *[Refer to clause of “Order of priority for executing transfer” in this document, to know the preferential order of various priority categories].* The provision shall include all priority categories which are undertaken in transfer system i.e., PwBD, Spouse or Single Lady, Medical, Hard stations (H/LWE), and DFR cases. The comparison statement below shall explain the provision:
  - 1. Case-01:** If there is a comparison between a PwBD case and a Medical+H/LWE+NESTS Spouse case, the allotment shall in favour of PwBD Case despite the fact that one possesses multiply priorities. This is because there is no tie between higher order (PwBD level) of priority. Thus, PwBD will get preference, as usual.
  - 2. Case-02:** If there is a comparison between a PwBD case and a PwBD +Medical case, the allotment will go



in favour of *PwBD* +Medical case (here, tie is at *PwBD* level i.e., higher order of priority).

- 3. Case-03:** The same methodology will operate for another instance of tie between two multiple priority cases, one Medical+H/LWE and the other Medical+Spouse/Single Lady. In this case allotment of station will go in favour of Medical+Spouse/Single Lady case as 1<sup>st</sup> level of priority is in tie and at 2<sup>nd</sup> level of Spouse/Single Lady is in higher preferential order of priority (here, tie is at Medical level, the higher order of priority).
- 4. Case-04:** If there is a comparison between a Medical+ NESTS Spouse + DFR and Medical + NESTS Spouse+ H/LWE, the allotment will go in favour of Medical +NESTS Spouse + H/LWE as 1<sup>st</sup> & 2<sup>nd</sup> levels of priorities are in tie and at 3<sup>rd</sup> level of H/LWE is in higher preferential order of priority (here, tie is at NESTS spouse and Medical)
- 5. Case-05:** If there is a comparison between a PwBD + Medical + DFR and PwBD +H/LWE+NESTS Spouse+DFR, the allotment will go in favour of PwBD + Medical + DFR as PwBD at 1<sup>st</sup> level of priority is in tie and at 2<sup>nd</sup> level, Medical is in higher preferential order of priority (here, tie is at PwBD level, the higher order of priority).

It is to make clear that counting of number of priorities does not make difference, rather **it is the higher order of priority at subsequent levels that makes difference in allotment** in case of comparison of employees having multiple priorities.

- 6. Case-06:** If there is a tie between two employees having exactly similar multiple priorities, the allotment will go by the station seniority, the general rules of allotment. [*Refer to “Rules of Allotment” and “Rules of Tie Breaking”*].

**b. Allotment in Non priority (Plain) Category Transfer:**

- i. Irrespective of tenure at present station, the eligible employee working at Plain (normal) Stations (non-priority cases) having served at least one tenure in hard stations (in any cadre in past) shall get preference in allotment over one who did not serve at hard station in past. In case

of comparison between two or more Plain stationed employees having served a tenure hard station, the allotment shall be based on the station seniority counted at present plain station.

- ii. In other all non-priority category cases, Station Seniority is the sole rule of allotment of a station.  
*[Refer to provision of “Displacement Transfer (Eligibility/provisions)” for allotment of station to displaced employee].*

#### **4.14 RULES OF TIE-BREAKING:**

- a. If there is tie in choice station, station seniority shall be preferred.
- b. If there is a tie in station seniority, Female (gender) shall get preference in allotment.
- c. If there is a tie in gender, the old aged employee shall get preference.  
*[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]*

#### **5 TRANSFER OF DEPUTY COMMISSIONER / ASISTANT COMMISSIONER / STAFF OF HEADQUARTERS / REGIONAL OFFICES (other than EMRS cadre)**

- a. Deputy Commissioners and Assistant Commissioners posted in the Regional Offices shall not be posted to the region which has the jurisdiction over their home district except three years before their superannuation. They will also not be posted back at the station where they have completed their tenure once. However, the Commissioner NESTS, in the event of administrative exigencies, shall take appropriate decision as deem fit.
- b. **Tenure:** The normal stay at particular station prescribed for certain posts shall be as below:

| <b>S. No.</b> | <b>Post/Cadre</b>              | <b>Prescribed tenure for transfer (in years)</b> |
|---------------|--------------------------------|--|
| 1.            | Deputy Commissioners (HQ / RO) | <b>03 years</b>                                  |

|    |   |  |
|----|---|--|
| 2. | All officers of HQ/RO other than Commissioner, Additional Commissioner and Joint Commissioner | <b>05 years<br/>(03 years in case of hard/North East Region)</b> |
|----|---|--|

- c. **Transfer Under administrative compulsion:** Employee/officers of NESTS HQ/RO may be transferred from their present place of posting even before completion of the tenure to a station / location under administrative compulsions.
- d. **Request Transfer:** After Completion of tenure as prescribed above, employee / officer may submit his/her request in prescribed format stating choice stations.
- e. **Displacement Transfer:** In absence of request for transfer, any employee / officer, after completion of above prescribed tenure, may be displaced to accommodate any incoming eligible employee / officer.
- f. **Priority Elements:** Priority elements as defined in general transfer policy shall remain applicable to these cadres.
- g. **Competent Authority:** The Commissioner, NESTS shall be the competent authority to execute the transfer of employee/officers of NESTS Headquarters/Regional Offices as a whole or in part, by invoking suitable mechanism of execution. The information regarding such mechanism shall be notified from time to time prior to resorting to such exercise.

## 6 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 on public interest and administrative redeployment of surplus staff.
- b. Transfer TA shall be admissible in cases of transfer of staff from Plain (normal) station to Hard/LWE stations on willingness after completion of prescribed mandatory period. This provision of Transfer TA shall remain applicable to employees like Driver, Electrician-cum-plumber, Lab. Attendant, Cook, Mess Helper, Chowkidar and Sweeper at par with other employees.
- c. Service in hard stations being region specific, transfer TA shall be admissible only in cases of transfer of staff from hard

(Hard/LWE) station of a region to outside hard station i.e., either any Plain (normal) station or Hard/LWE station of the other region after completion of prescribed mandatory tenure. This provision of Transfer TA shall remain applicable to employees like Driver, Electrician-cum-plumber, Lab. Attendant, Cook, Mess Helper, Chowkidar and Sweeper at par with other employees.

- d. Transfer TA shall be admissible to all cases of transfer of deemed employee on displacement.
- e. Transfer TA shall not be admissible under following cases:
  - i. Transfer within plain stations on request.
  - ii. Transfer within Hard stations (within a region) on request.
  - iii. Administrative or displacement transfer ultimately modified into a request transfer by considering request of the employee.
  - iv. 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.
- f. In case of transfer availed by taking advantage of the provision of “Cumulative Tenure Count due to administrative transfer”, the admissibility of transfer TA shall be restricted to completion of requisite tenure at present station.

## **7 GRIEVANCE REDRESSAL:**

- a. Grievance arising out due to transfer shall be addressed by the office of the Commissioner, NESTS in light of the provisions of transfer policy. Commissioner, in the event of any prevailing circumstance, may delegate the power to any of the subordinate officer(s) at NESTS Headquarters or Regional Offices to address such 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.

## **8 POWER OF RELAXATION OF GUIDELINES:**

Notwithstanding anything contained in the guidelines, the Commissioner with the approval of the Chairman NESTS, shall be

competent to transfer any employee to any place in relaxation of any or all of the above provisions after recording reasons.

**9 INTERPRETATION OF GUIDELINES:**

Commissioner, NESTS 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 NESTS as a whole. Such Interpretation shall be notified well in advance before inviting transfer application.

**10 OPERATIVE ELEMENTS OF TRANSFER DRIVE:**

Commissioner, NESTS shall be the competent authority to invoke and execute transfer drive involving suitable mechanism (online), applying / altering / expanding / curtailing operative elements including timeline for execution in the backdrop of the transfer provisions to draw transfer list, maintaining utmost transparency, fairness and accuracy. Information regarding any alteration through interpretation of provisions or in mechanism of execution shall be notified well in advance before launch of the transfer drive.

**11 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 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.

**12 REFERENCE:**

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

**This comes into force with immediate effect.**

**[ANNEXURE – I]**

**CERTIFICATE OF SINGLE LADY TO BE FURNISHED BY NESTS EMPLOYEE CLAIMING PRIORITY**  
**(NEATLY TYPED ON THE LETTER HEAD OF THE ORGANISATION WITH REF. NO. & DATE OF ISSUE)**

**Ref. No. ....**

**Date of Issue .....**

**CERTIFICATE OF SINGLE LADY**

This is to certify that Ms. .... (name of employee)  
..... (post), a permanent employee of NESTS since (date of  
joining) ..... and posted in EMRS ..... since (date of  
joining) ....., is covered under priority category of **“SINGLE LADY”**  
on account of being ..... **(Widow / Unmarried Lady /**  
**Divorced Lady).**

This certificate is based on the verification of death certificate of spouse (in  
case of Widow) / declaration (unmarried lady) / legal documents (legal decree of  
separation) obtained from the employee and verified from the relevant entry made  
in the service book of the employee concerned.

**Accountant**  
**(Verifying Authority)**  
**(or, Senior Authority in the Office)**

**Name: .....**

**Designation: .....**

**Principal**  
**(Countersigning / Issuing Authority)**

**Name: .....**

**Official Seal: .....**

**Please note:**

1. **Employee claiming priority under “Single Lady” category is required to submit fresh / latest certificate in the prescribed format only.**
2. **Widow:** The employee claiming Single Lady being widow, must also upload the death certificate of the spouse along with this certificate.
3. **Divorced Lady:** The issuing authority must obtain from the claimant, the decree of court of law confirming legal separation from spouse. Such document must be kept in personal file and relevant entry made in the service book of the employee. **Any ongoing legal proceedings of separation, if subjudice/under trial, does not entitle the claimant to come under ambit of divorced lady.**
4. Certificate, improper in any respect will summarily be rejected and bound to be taken into disciplinary / IPC proceedings against user and issuing authority through proper channel.
5. Any employee willing to claim status of **“Protected Deemed”** or willing to get **“transfer-on-priority”** must submit relevant certificate to the Principal of his/her EMRS, prior to declaring vacancy on portal in online vacancy module.
6. The lady employee entering into marriage / remarriage at any point of time prior to cut off date of the year of transfer drive shall lose her claim of being “Single Lady” for the transfer drive of the year & onwards. The Principal is entrusted to update the RO / NESTS HQ in this regard.

**FORMAT OF CERTIFICATE TO BE FURNISHED BY NESTS 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. .... an employee of this organization (name)  
 .... since (date of joining) .... and of this office /  
 branch (name) .... since (date of joining) .....till date.

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

1. Is the organization an EMRS / Central Govt. / Central Govt. PSU / Central Govt. financially added / State Govt. / State Govt PSU / State Govt. financially aided?

**Register correct option:** .....

2. Is employee a Permanent / Temporary / Ad hoc / Daily wage / Contractual / Niyojit teacher / Guest teacher or employee?

**Register correct option:** .....

3. The “**Date of Birth**” of employee as per records .....

4. Mobile no. of the employee (optional): .....

**Sign. of the Competent Authority**

Name .....

Post held: .....

**Contact no. of Issuing Auth.** .....

**Official Seal**.....

**Please note:**

1. Spouse Certificate is only declaration about an organization and status of employee working in it. Merely submission of spouse certificate may not entitle the NESTS employee for claim under priority category.
2. Mobile no. / contact no. of Issuing Authority is **mandatory requirement**.
3. **Must be signed or countersigned by competent authority.**
4. **Spouse certificate should be in latest revised format only.** Certificate, improper in any respect will be rejected and bound to be taken into disciplinary / IPC proceedings against user and issuing authority through proper channel.
5. Any employee willing to claim status of “**Protected Deemed**” or willing to get “**transfer-on-priority**” must submit relevant certificate to the Principal of his/her EMRS, prior to declaring vacancy on portal in online vacancy module.
6. **Employee of NESTS, having working spouse in PRIVATE organization or having working spouse as Temporary / Ad hoc / Daily wage employee / Niyojit or Guest or Visiting teacher / lecturer in Central or State Govt. organization or Financially aided Govt. institution or office, is not entitled for priority of spouse ground. Therefore, the issuing authority must provide correct information in every respect.**

**नेस्ट्स कर्मचारी के द्वारा प्रस्तुत किए जाने वाले कार्यरत दम्पती प्रमाण पत्र का प्रारूप**  
**(प्रमाण पत्र संस्था के अधिकारिक लेटर हेड पर साफ, पठनीय एवं टंकित होनी चाहिए।)**

संदर्भ:.....

दिनांक:.....

**कार्यरत दम्पति प्रमाण पत्र**

प्रमाणित किया जाता है कि श्री/सुश्री..... पत्नी/पति सुश्री/श्री..... इस संस्थान (संस्थान का नाम)..... में दिनांक..... से तथा इस कार्यालय/शाखा (वर्तमान शाखा का नाम)..... में दिनांक..... से प्रमाण पत्र जारी किए जाने की तिथि तक कार्यरत हैं।

**जारीकर्ता अधिकारी कृप्या सही एवं उपयुक्त विकल्प रिक्त स्थान में दर्ज करें।**

1. क्या यह संस्थान अथवा कार्यालय इएम्आरएस / केंद्र सरकार / केंद्र सरकार PSU / / केंद्र सरकार वित्तपोषित संस्थान / राज्य सरकार / राज्य सरकार PSU / राज्य सरकार वित्तपोषित संस्थान है ?  
सही विकल्प दर्ज करें:.....
2. क्या संबंधित कर्मचारी/अधिकारी स्थाई / अस्थायी / तदर्थ (Ad hoc) नियुक्त / दैनिक वेतनभोगी / संविदा / नियोजित / अतिथि शिक्षक अथवा कर्मचारी है ?  
सही विकल्प दर्ज करें:.....
3. कर्मचारी की जन्म तिथि (उपलब्ध अभिलेखों के अनुसार):.....
4. संबंधित कर्मचारी/अधिकारी का मोबाइल न. (एच्छक). .....

सक्षम अधिकारी का हस्ताक्षर

नाम:.....

पद:.....

सक्षम अधिकारी का मोबाइल न. ....

अधिकारिक / कार्यालय का मुहर .....

**कृप्या नोट करें:**

1. कार्यरत दम्पति प्रमाण पत्र संबंधित संस्थान/कार्यालय तथा कार्यरत कर्मचारी के बारे में अधिकारिक घोषणा मात्र है। दम्पति प्रमाण पत्र की केवल प्रस्तुति, स्थानांतरण लाभ कार्यरत संस्थान/कार्यालय पात्रता का निर्धारण नहीं करता है।
2. जारीकर्ता / सक्षम अधिकारी का मोबाइल नम्बर दर्ज करना आवश्यक है।
3. प्रमाण पत्र सक्षम अधिकारी के द्वारा हस्ताक्षरित / प्रतिहस्ताक्षरित होना चाहिए।
4. कार्यरत दम्पति प्रमाण पत्र प्रत्येक वर्ष नवीनतम होनी चाहिए। प्रमाण पत्र में गलत / अपूर्ण / अपुष्ट / विकृत सूचना अथवा गलत प्रारूप में होने पर इसे रद्द किया जा सकता है तथा प्रस्तुतकर्ता कर्मचारी एवं जारीकर्ता



अधिकारी के विरुद्ध विभागीय / IPC के तहत उचित माध्यम द्वारा कार्यवाही हेतु अनुशंसा की जा सकती है।

5. दम्पती एकीकरण प्रथमिकता वर्ग के अन्तर्गत "Protected Deemed" अथवा स्थानांतरण का लाभ लेने के लिए कार्यरत दम्पति प्रमाण पत्र को आनलाइन रिक्त पद भरे जाने से पहले प्राचार्य (जनवि) के पास जमा करना सुनिश्चित करें।
6. सूंच्य हो कि नेस्ट्स के कर्मचारी जिनके दम्पती निजी संस्था में कार्यरत है अथवा केंद्र राज्य सरकार के वित्तपोषित संस्थान में कार्यरत हो अथवा केंद्र / राज्य सरकार के संस्थान में अस्थाई / तदर्थ (Ad hoc) / संविदा / नियोजित / अतिथि शिक्षक या कर्मचारी हों, दम्पती एकीकरण प्रथमिकता वर्ग के अन्तर्गत लाभ के पात्र नहीं है। अतः जारीकर्ता सक्षम अधिकारी सही सूचना के साथ ही प्रमाण पत्र जारी करें।

**[ANNEXURE – III]**

**NATIONAL EDUCATION SOCIETY FOR TRIBAL STUDENTS**  
**PROFORMA FOR MEDICAL CERTIFICATE (FOR TRANSFER PURPOSE ONLY)**

(To avoid disqualification, please do NOT use abbreviation. Fill it with CAPITAL LETTERS only.  
Please do not attach any enclosure except where specifically asked for)

Name of the Patient: .....  
Relation of the Patient with employee (self / spouse / son / daughter): .....  
Date: .....

I, Dr. .... with Medical Council Registration No. ....  
hereby, certify that Shri / Smt / Ms. .... aged .....  
Sex ..... son / daughter / wife / husband of Shri / Smt. ....  
(Name of EMRS teacher / employee) is suffering from the disease / diseases with the details as  
follows and that the treatment of this disease is not at all available at this station or its vicinity:

**A. In case of Carcinoma (Cancer): Only confirmed case of Carcinoma, along with proof of undergoing treatment shall form the basis of claiming priority / relaxation. Following information is mandatory from the district medical authority i.e., CMO/CMS/Civil Surgeon or with his countersignature (if not issued by the district medical authority):**

1. Name of Carcinoma with organ (site affected):
2. Date, when it was detected first:
3. Brief History-Pathological Report with reference no. & dates:
4. T N M Classification (if applicable):
5. Evidence in support of uncontrolled growth:
6. Evidence in support of Metastasis:
7. Treatment being continued in brief:
8. Full name of Surgery / ies if undertaken:
9. Date of Surgery performed:

**B. In case of Renal Failure: It is the final renal failure stage due to chronic irreversible failure of both the kidneys. It must be well documented. The employee must produce evidence of undergoing regular haemodialysis along with other relevant laboratory investigations and doctor's certification. Following information is mandatory from the district medical authority i.e., CMO/CMS/Civil Surgeon or with his countersignature (if not issued by the district medical authority):**

1. Name of the disease causing Renal Failure:
2. Date of detection of renal failure:
3. Evidences in support of Chronic Irreversible Changes:
4. No. of Dialysis done with dates (must for availing relaxation):
5. Single or both kidneys are involved:
6. Any Surgery including Renal transplantation done or not:
7. Date of Surgery performed:

**C. In case of Loss of Muscle Power (Paralysis): (Cerebro-vascular accidents) Death of a portion of the brain due to vascular causes such as (a) Haemorrhage (Cerebral), (b) Thrombosis (Cerebral), (c) Embolism (Cerebral) causing total permanent disability of two or more limbs persisting of three months after the illness. Following information is mandatory from the district medical authority i.e., CMO/CMS/Civil Surgeon or with his countersignature (if not issued by the district medical authority):**

1. Date of Paralytic Stroke:

2. How many extremities are affected:
3. Grading of Muscle power at present:
4. Grading of Muscle Power at the onset of disease:
5. Duration of Loss of Muscle power:
6. Any recovery after the onset till date:
7. Most direct cause of Loss of Muscle Power:

NOTE: Transient / Ischemic attacks and stroke like symptoms resulting from head injury and/or Tuberculosis meningitis, Pyogenic meningitis, Meningococcal meningitis are excluded from Paralysis. Thus, the authority, issuing this certificate should carefully certify the case.

**D. In case of Heart Disease: Cases involving Angioplasty / Coronary Artery Bye-pass Grafting / Valve replacement or reconstruction / open heart surgery shall be considered for claiming priority / relaxation under serious ailment. It must be well documented and supported by discharge summary having clear brief of the surgical procedure undergone. Following information is mandatory from the district medical authority i.e., CMO/CMS/Civil Surgeon or with his countersignature (if not issued by the district medical authority):**

1. Name of the surgical procedure undergone (CABG / Angioplasty / Valve Replacement or reconstruction / Open Heart Surgery):
2. Date of Surgical Procedure:
3. Name of Doctor-Surgeon:
4. Name of Hospital:

**E. In case of Thalassemia: Only Thalassemia Major shall form the basis of claim for priority under serious ailment. History of blood transfusion / replacement (periodicity) at less than three months interval should be well supported by medical documents. Following information is mandatory from the district medical authority i.e., CMO/CMS/Civil Surgeon or with his countersignature (if not issued by the district medical authority):**

1. Name of the specific disease (Thalassemia Major or Minor):
2. Date of first detection:
3. Whether blood transfusion/replacement required (**YES / NO**):
4. If so, periodicity / duration of blood transfusion / replacement required by the patient / Chelation therapy:
5. Blood transfusion done last (DD / MM / YYYY):

**F. In case of Parkinson's Disease: Progressive degenerative disease of nervous system involving involuntary tremulous motion with lessened muscular power in parts not in action and even when supported with a propensity to bend the trunk forward and to pass from a waling to a running pace, the senses and intellect being tin injured. Must be confirmed by a neurologist. Following information is mandatory from the district medical authority i.e., CMO/CMS/Civil Surgeon or with his countersignature (if not issued by the district medical authority):**

1. Date of detection of the disease:
2. Duration of treatment undergone:
3. Name and designation of treating neurologist:
4. Whether admitted in hospital and if so, details thereof:
5. Progressiveness of the disease-please specify:  
(to be certified by a neurologist)

NOTE: Patients who are stable with the support of medicine shall be excluded from the claim of priority / relaxation under Parkinson disease. Therefore, certificate issuing authority should carefully certify the case.

**G. In case of Motor-neuron disease: Slowly progressive degeneration of motor-neuron cells of brain and spinal cord causing weakness, wasting and twitching in limbs and difficulty in speaking and swallowing. Must be confirmed by a neurologist. Following information is mandatory from the district medical authority i.e., CMO/CMS/Civil Surgeon or with his countersignature (if not issued by the district medical authority):**

1. Date of detection of disease:
2. Duration of treatment undergone:
3. Name and designation of treating neurologist:
4. Result of EMG test report and MRI:
5. Grading of muscle power at present:

Note: Weakness of muscle due to other causes like infections, neuropathy, trauma, idiopathic, motor-neuron disease involving less than two limbs and the muscle power more than 3 grades, shall not form the basis of claim of priority/relaxation under serious ailment. Therefore, certificate issuing/countersigning authority should carefully certify the case.

**Signature of the Issuing Authority**

**Name:**

**Name of the Deptt:**

**Name of the Hospital**

**Place:**

**Date:**

**Seal:**

**Signature of the patient .....**

**Name of the Patient: .....**

**Relation with the Employee (Self / Spouse / Son / Daughter): .....**

**Mandatory Clause:**

**Counter signature of the District Medical Authority (CMO / CMS / Civil Surgeon):**

**Name:**

**Date & Seal:**

**Sign. of the Principal (for EMRS Staff)/ the Deputy Commissioner (For HQ/RO staff)**

**Name:**

**Date & Seal:**

Principal (in case of EMRS employees) / the DC (in case of RO / HQ employees) should sign the certificate having been satisfied with all the clauses of medical certificate and relevant documents (to be kept in school records) being clearly mentioned and endorsed in context of the provisions of transfer policy and guidelines.

***Note : Medical Certificate, without having countersignature / endorsement of the Principal / DC / Director of the concerned establishment, will be treated as null and void.***