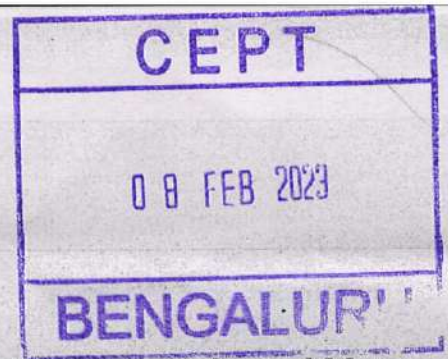




No. X-12/6/2021-SPN-II
Government of India
Ministry of Communications
Department of Posts
(Personnel Division)



Dak Bhawan, Sansad Marg
New Delhi - 110 001
Dated: 03rd February, 2023

To,
All Chief Postmasters General.

Subject: Guidelines to regulate transfer under Rule - 38 of Group 'C' and Group 'B'
Non-gazetted employees in Department of Posts - reg.

Madam/Sir,

Reference is invited to Directorate letter no. 141-141/2013-SPN-II dated 17.01.2019 wherein consolidated guidelines on transfer was circulated. Para 3 of the said guidelines include provision for transfer under Rule - 38 of Postal Manual Volume IV.

2. These instructions have been reviewed from time to time introducing therein various change in process of handling request for transfer under Rule - 38. In wake of these changes, need is felt to consolidate instructions for transfer under Rule - 38 for information and guidance of all concerned.
3. These instructions shall supersede provisions contained in para 3 of letter no. 141-141/2013-SPN-II dated 17.01.2019 and all other instructions issued from time to time on the subject of transfer under Rule - 38.
4. Revised instructions for transfer under Rule - 38 of Postal Manual Volume - IV is enclosed herewith for information and circulation.

Kangra
APM G (S)

(Dileep Singh Sengar)
Assistant Director General (SPN)

Copy to,

- a) Sr. PPS to Secretary (Posts) / Director General Postal Services
- b) PPS / PS to Addl. DG (Coordination) / Members Postal Service Board
- c) Sr. DDG(Vig) & CVO / CGM (Parcel) / CGM (BD) / CGM (PLI)
- d) Director (RAKNPA) and Director all Postal Training Centres
- e) General Manager, CEPT, Bengaluru with request to sync transfer portal with revised guidelines
- f) Portal upload team, CEPT with request to upload this document on India Post website
- g) All Service unions / federations (through India Post website)
- h) Office copy / Guard file.

Instructions for transfer under provisions of
Rule – 38 of Postal Manual Volume IV

A. General Conditions: -

- (i) As general rule, an official shall not be transferred from one unit to another, either within the same Circle, or to another Circle unless he has completed one year of service.
- (ii) Transfer of an official when requested for own convenience, shall not be discouraged if they can be made without injury to the rights of others. Transfers shall be considered in following two ways:
 - a. Cases where an official seek transfer by providing mutual exchange
 - b. Cases where an official seek transfer without providing mutual exchange
- (iii) For transfer by providing mutual exchange, both employees should belong to same cadre, category (under which selected) and mode of recruitment. Further, in order to safeguard the right of employees borne in the gradation lists of both the offices, the official brought in shall take the place, in the new gradation list; that would have been assigned to him had he been originally recruited in that unit or the place vacated by the official with whom he exchanges appointment, whichever is the lower.
- (iv) When an official is transferred at his own request but without arranging for mutual exchange, he shall rank junior in the gradation list of the new unit to all officials of that unit on the date on which the official joins the new unit.
- (v) If the old and the new unit form parts of a wider unit for the purpose of promotion to a higher cadre, the transferee (whether by mutual exchange or otherwise) will retain his original seniority in the gradation list of the wider unit.
- (vi) An official who was transferred under provisions of Rule 37 shall not be eligible to seek transfer under Rule 38 for a period of three years. After completing three years' period, such official can request for transfer under Rule 38 to any unit within or outside Postal Circle, subject to fulfillment of other conditions laid down for transfer under Rule 38.
- (vii) An official transferred from one unit to another will be allowed to seek re-transfer to his/her old unit. However, such cases shall be considered as a fresh transfer case under Rule 38 subject to all other provisions of these guidelines.
- (viii) To remove any doubt, it is clarified that an official on re-transfer to a unit from where he/she was transferred earlier shall not be entitled to the seniority or any other special privilege to which the official would have been entitled by virtue of his/her position in the gradation list of the old unit before such initial transfer. Seniority of such official will be determined in the manner provided in para (iii).

(iv) & (v) herein above. However, if an official who had appeared in a Departmental Examination before transfer under this rule, he/she will not forfeit the right of being considered for promotion in the old unit on the basis of such Examination, but, will not have any such right in the new unit. If an official qualifies in the Departmental Examination which he/she appeared in old unit, such official shall directly join the promoted post in the old unit and such appointment in the old unit shall not be treated as transfer under this rule.

- (ix) Transfer under Rule 38 shall be permitted only against similar type/categories vacancy i.e. Direct Recruit shall be transferred against Direct Recruitment vacancy and promotee against a promotion vacancy. Further, Unreserved (UR) candidate shall be transferred against UR vacancy, OBC candidate against OBC vacancy, SC candidate against SC vacancy and ST candidate against ST vacancy. For the purpose of observing category, it is clarified that category under which an official is selected, he will be considered for transfer under same category.

[Explanation: SC/ST/OBC candidate recruited against UR vacancy shall be considered as UR for transfer under Rule 38.]

- (x) Under Rule 38, inter-Circle and intra-Circle transfer from one distinct cadre to another viz. Postal Assistant in Post Offices to Postal Assistant in CO/RO or Sorting Assistant and vice versa will not be allowed. However, MTS officials shall be eligible to seek transfer from one wing to another viz. Post Office to RMS, Circle Office, Regional Office, etc. (except Postal Account Office).

- (xi) Only such official who have completed minimum service of one year in the cadre / post presently held shall be eligible for transfer under Rule 38. However, condition of one year of service shall not be applicable for following categories:

(a) Employees selected against PwBD category or any official who has acquired disability during service career;

(b) Employees appointed on Compassionate grounds;

(c) Employee / his dependent family member suffering from Terminal illness (*Employee need to submit certificate issued by Civil Surgeon of District certifying that the employee / dependent family member is suffering of Terminal illness, without which case of employee shall not be considered under this category*).

- (xii) Under Rule 38, an official will be eligible for two Inter-Circle transfer and two Intra-Circle transfer during entire service. However, a gap of 3 years shall be mandatory for availing same category of transfer for the second time, but no such gap will be required in case of applying for different category of transfer.

Explanation: An official after availing Inter-Circle transfer shall not be eligible to apply for Inter-Circle transfer before completing three years of service in new unit. However, he/she may apply for Intra-Circle transfer immediately after availing Inter-Circle transfer.

(xiii) One additional chance for transfer in both the categories, viz. Inter-Circle and Intra-Circle, will be allowed to Persons with Benchmark Disabilities (PwBD). Employee with disability who has been appointed without availing relaxed standard of merit for PwBD candidates or an employee, who suffered disability after initial employment, shall be allowed transfer as a PwBD candidate, subject to submission of appropriate certificate as per Government of India's instructions in support of claim of Benchmark Disability.

Provided that, female employee who has availed maximum admissible chances for transfer (Inter-Circle / Intra-Circle) but want further transfer to join parental home after divorce will make request to CPMG concerned with all relevant supporting documents. In turn, CPMG shall forward such cases with due recommendations and DGPS shall be competent to allow additional chance of transfer to such employee on case-to-case basis. Once allowed by DGPS, CEPT will be informed to allow registration of transfer request by such employee on online transfer portal.

(xiv) Under provisions of transfer under Rule – 38, Divisional level employees viz. Postal Assistant (PO), Sorting Assistant, Postman, Mail Guard and MTS shall be eligible to opt for maximum of 10 Division / Unit in order of preference within a Postal Circle. Circle cadre official shall be eligible to request for only one Postal Circle.

(xv) Employee can withdraw the request on online portal at any time. Further, employee has also been provided with opportunity to decline provisionally approved transfer on online portal within 72 hours of such allotment. After expiry of 72 hours timeline and issue of final transfer order, if an employee wish to cancel his approved transfer, he may do so and in such case, employee will deemed to have availed one chance of transfer.

B. Procedure and Schedule for transfer under Rule 38: -

- (I) Transfer under Rule 38 shall be registered and considered only in online mode, wherein an employee can register his / her request anytime at <https://apps.cept.gov.in/rule38transfers>.
- (II) Transfer request registered by employee shall become available to his / her controlling officer who shall verify information provided by the employee with reference to his / her service record. In case, there is any deviation in the information provided, which make the employee ineligible for transfer under prevailing instructions, such requests shall not be recommended.
- (III) Transfer under Rule – 38 shall be considered on quarterly basis in the month of March, June, September and December wherein transfer requests received till preceding month shall be included in priority list.
- (IV) All recommended transfer requests shall become eligible for indexing in priority list. Priority list shall be drawn by the system on the basis of date

of time of submission of request. All requests received till February / May / August / November month shall be arranged in following manner and placed below the pending request list, based on which transfer cycle for month of March / June / September / December will be operated:-

- a. Official with Benchmark Disabilities
- b. Official appointed under Compassionate grounds
- c. Official / dependent family members suffering from Terminal illness
- d. Transfer registered under Spouse ground
- e. General cases

Inter-se fixation of priority amongst similar categories of transfer shall be on the basis of time and date of submission of request.

- (V) Capturing of vacancy shall include capturing of Sanctioned Strength, Working Strength, Earmarked vacancy and mode and category wise bifurcation of vacancy available for transfer under Rule – 38 on the online portal.

Divisions / Circle will capture vacancy in following manner:-

Actual vacancy as well as mode and category wise vacancy in grade of Postman, Mail Guard, MTS	Postal / RMS Division concerned
Actual vacancy in the cadre of PA / SA	Postal / RMS Division concerned
Mode and category wise bifurcation of vacancy in PA / SA cadre	Circle Office concerned
Actual vacancy as well as mode and category wise vacancy in respect of Circle cadres	Circle Office concerned

Note:

- (a) DPS(HQ) shall function as nodal officer to ensure capturing of vacancy by Division(s) and Circle Office.
- (b) Circle Office shall ensure that vacancies are calculated and kept ready well before due date for capturing of vacancy, both by Divisions (for Postman, Mail Guard and MTS) and Circle Office for other cadres.
- (c) CEPT shall share list of Circle(s) / Division(s) who could not capture vacancy within timelines provided in these rules.
- (d) DPS(HQ) will provide detailed reason to Directorate for not adhering to timelines by Division(s) / Circle along with remedial measures taken.

- (VI) Instructions on assessment of vacancy for transfer under Rule – 38:

- a. At the start of the recruitment year, i.e. in the Month of January, all recruiting units shall assess vacancy for a particular recruitment year (e.g. for 2023 recruitment year, vacancies during the period 01.01.2023 to 31.12.2023) and distribute it amongst various modes of recruitment as provided in the Recruitment Rules and within each mode amongst various categories as prescribed. This shall be termed as 'Provisional Vacancy' for different mode of recruitment and category, which will be taken into consideration for transfer under Rule-38.
- b. While assessing the vacancy as at (a) above, 'Final Vacancy' of previous recruitment year for each mode of recruitments, where candidates are yet to be selected / appointed, shall be excluded. However, vacancy due to non-availability / non-joining of candidates, whether as backlog of reserved vacancy or otherwise, and unforeseen vacancy of previous recruitment year not considered while arriving at 'Final Vacancy' of previous recruitment year, will be included.
- c. As these vacancies are forecasted, these will actually arise round the year in different months. The 'Provisional Vacancy' will undergo change in case there are unforeseen vacancies not considered earlier. Such unforeseen vacancies shall be added to the total provisional vacancy assessed earlier for distribution amongst various modes of recruitment as provided in the Recruitment Rules and within each mode amongst various categories as prescribed.
- d. While issuing notification for examinations conducted by the Department, 'Provisional Vacancy', calculated as (a) (b) & (c) above, as on the date of issue of notification shall be notified. The notification shall clearly mention that vacancy notified is 'Tentative subject to change'. At the time of declaration of results, 'Provisional Vacancy', calculated as (a), (b) & (c) above, as on the date of publication of results shall be treated as 'Final Vacancy' for all modes of recruitment and list of successful candidates of examination conducted by the Department shall be published accordingly.
- e. If for any reason, notification for examination is not issued or results of examination conducted are not published in the same recruitment year, vacancy on the last day of the recruitment year shall be treated as the 'Final Vacancy' for all modes of recruitment for recruitment year.
- f. 'Final Vacancy' as per (d) or (e) above shall not undergo any further change for that recruitment year.
- g. Based on the 'Final vacancy' as above, vacancy to be earmarked for Compassionate appointment and Sports quota recruitment will be decided.
- h. Inter-Circle / Intra - Circle transfers under Rule 38 shall be considered on quarterly basis, as provided in preceding paragraphs, on the basis of

actual vacancy at the start of the March / June / September / December subject to following conditions:-

- i. In case of MTS / Postman / Mail Guard, Transfer under Rule-38 (both Inter-Circle & Intra - Circle) shall not be considered after issue of notification for examination to be conducted by the Department for vacancy of a particular recruitment year.
 - ii. In case of Postal Assistant / Sorting Assistant, Inter-Circle Transfer under Rule-38 shall not be considered after issue of notification for examination to be conducted by the Department for vacancy of a particular recruitment year. However, Intra-Circle Transfer under Rule-38 will be allowed against the vacancy earmarked for filling up through examination conducted by Department even after issue of notification, as it will not alter the total vacancy of the Circle.
 - iii. In case of Postal Assistant / Sorting Assistant / Stenographer, Inter-Circle Transfer under Rule-38 shall be allowed against the vacancy earmarked for Direct Recruitment through SSC, as it will not alter the total vacancy at all-India level.
- i. Final vacancy figure as on the last day of the recruitment year shall be reported to Directorate by 15th January of next year, as a final vacancy position which will not undergo any further change.
 - j. Aforesaid procedure shall be repeated for each recruitment year.

(VII) Different activities involved for considering transfer under Rule – 38 along with detailed timelines for various activities shall be as under:-

Sl	Activity	Timelines
(a)	Capturing of vacancy	01 st – 05 th of March/June/September/December by Divisions 01 st – 07 th of March / June / September / December by Circle Office
(b)	Forwarding / acceptance of request by controlling unit	Real-time basis. Requests received till last day of February / May / August / November should be verified before 05 th March / June / September / December.
(c)	Provisional allotment of Intra-Circle transfer	11 th of March/June/September/December
(d)	Acceptance / Refusal of Provisional allotment of Intra-Circle transfer by employee	12 th – 14 th of March/June/September/December

(e)	Release of approved list of Intra-Circle transfer	15 th of March/June/September/December
(f)	Relieving of employees approved for Intra-Circle transfer	Latest by 15 th April / July / October / January, except in case of pending disciplinary proceeding or on own request
(g)	Provisional allotment of Inter-Circle transfer	17 th of March/June/September/December
(h)	Acceptance / Refusal of Provisional allotment of Inter-Circle transfer by employee	18 th – 20 th of March/June/September/December
(i)	Release of approved list of Inter-Circle transfers	21 st of March/June/September/December
(j)	Relieving of employees approved for Inter-Circle transfer	Latest by 21 th April / July / October / January, except in case of pending disciplinary proceeding or on own request

(VIII) Online system shall process and approve transfers in following manner:

a. Inter-Circle / Intra-Circle transfer in the cadre of Postman, Mail Guard and MTS :-

- i. System shall consider each request in its order of priority for all units requested by employee in order of preference
- ii. System shall check availability of vacancy in requested unit in relevant mode of recruitment and category.
- iii. If vacancy is available, system will check availability of staff in parent unit of the employee.
- iv. In case, vacancy is available and parent unit of employee is having working strength over and above 66.66% of sanctioned strength, system will approve transfer.
- v. In case, any one of the condition, viz. availability of vacancy in relevant mode of recruitment and category, threshold limit of working strength in parent unit is not satisfied, transfer request shall not be approved and shall be retained in priority list for consideration during next transfer cycle.
- vi. Above process will be repeated for each employee in the priority list.
- vii. Even if, an employee higher in priority does not get transfer due to non-availability of vacancy or shortage of staff in parent unit,

transfer cycle shall not cease to operate and employee next in priority shall be considered, and if his / her case satisfies all condition viz. availability of vacancy, threshold limit, etc, his / her transfer request will be approved.

b. Intra-Circle transfer in case of PA(PO) / SA :-

- i. System shall consider each request in its order of priority for all units requested by employee in order of preference
- ii. System shall check availability of vacancy in requested unit
- iii. If vacancy is available, system shall check availability of staff in parent unit of the employee.
- iv. In case, vacancy is available and parent unit of employee is having working strength over and above 66.66% of sanctioned strength, system will approve transfer.
- v. In case, any one of the condition, viz. availability of vacancy, threshold limit of working strength in parent unit is not satisfied, transfer request shall not be approved and shall be retained in priority list for consideration during next transfer cycle.
- vi. Above process will be repeated for each employee in the priority list.
- vii. Even if, an employee higher in priority does not get transfer due to non-availability of vacancy or shortage of staff in parent unit, transfer cycle shall not cease to operate and employee next in priority shall be considered, and if his / her case satisfies all condition viz. availability of vacancy, threshold limit, etc, his / her transfer request will be approved.

c. Inter-Circle transfer of PA(PO) / SA :-

- i. System shall consider each request in its order of priority for all units requested by employee in order of preference
- ii. System shall check availability of vacancy in relevant mode of recruitment and category in requested Postal Circle.
- iii. If vacancy in relevant mode of recruitment and category is available in the requested Postal Circle, system shall check availability of actual vacancy in requested units in order of preference.
- iv. If vacancy is available in requested unit, system shall check availability of staff in parent unit of the employee.

- v. In case, vacancy is available in requested Circle / unit and parent unit of employee is having working strength over and above 66.66% of sanctioned strength, system will approve transfer.
- vi. In case, any one of the condition, viz. availability of vacancy in relevant mode and category in requested Postal Circle, actual vacancy in requested unit(s) and threshold limit of working strength in parent unit is not satisfied, transfer request shall not be approved and shall be retained in priority list for consideration during next transfer cycle.
- vii. Above process will be repeated for each employee in the priority list.
- viii. Even if, an employee higher in priority does not get transfer due to non-availability of vacancy or shortage of staff in parent unit, transfer cycle shall not cease to operate and employee next in priority shall be considered, and if his / her case satisfies all condition viz. availability of vacancy, threshold limit, etc, his / her transfer request will be approved.

d. Inter-Circle transfer of Circle cadre officials :-

- i. System shall consider each request in its order of priority for all units requested by employee in order of preference
- ii. System shall check availability of vacancy in relevant mode of recruitment and category in requested Postal Circle.
- iii. If vacancy is available, system will check availability of staff in parent Postal Circle of the employee.
- iv. In case, vacancy is available and parent Circle of employee is having working strength over and above 66.66% of sanctioned strength, system will approve transfer.
- v. In case, any one of the condition, viz. availability of vacancy in relevant mode of recruitment and category, threshold limit of working strength in parent Circle is not satisfied, transfer request shall not be approved and shall be retained in priority list for consideration during next transfer cycle.
- vi. Above process will be repeated for each employee in the priority list.
- vii. Even if, an employee higher in priority does not get transfer due to non-availability of vacancy or shortage of staff in parent unit, transfer cycle shall not cease to operate and employee next in priority shall be considered, and if his / her case satisfies all

condition viz. availability of vacancy, threshold limit, etc, his / her transfer request will be approved.

(IX) After approval of transfers, list of Intra-Circle and Inter-Circle transfer shall be generated by system and will become available in Circle / Division login. System generated transfer orders will not require ink-signature and shall be acted upon by controlling units without awaiting any endorsement from Circle Office / Regional Office.

(X) Officials approved for transfer under Rule – 38 shall be relieved within 30 days of availability of order in Circle / Division login. However, an official can request to delay his relieving on transfer which can be extended for a on case to case basis for a maximum period of 60 days from date of availability of order in Circle / Division login.

Provided that, an official against whom disciplinary proceedings are pending shall not be relieved until culmination of proceedings. Above timelines shall come into force immediately after finalization of disciplinary proceeding against the official approved for transfer.

Provided further that, in case of women employees, if transfer under Rule – 38 is approved while being of Maternity Leave, such official(s) shall also not be relieved until expiry of Maternity Leave, including any other leave in continuation to Maternity Leave. Above timelines shall come into force immediately after joining back of employee from approved period of leave.

(XI) Consequent upon release of transfer list, all units shall immediately issue posting order of employees transferred inward to their unit. However, relieving of the official from old unit shall not be subject to receipt of posting order from new unit and all approved official(s) should invariably be relieved within timelines provided in preceding para.

(XII) Cases where posting order have not been issued / received till relieving of the official, the official shall report to new unit and thereafter posting order shall be issued. Intervening period from date of reporting to date of posting in new unit will be treated as 'Compulsory wait / under posting' and pay and allowances for such period will be drawn by new unit.

(XIII) All controlling unit shall ensure capturing date of relieving of employee(s) on online transfer portal.

C. Standard Operating Procedure:

a. SOP for submission of application is available on Home page of employee login of portal at <https://apps.cept.gov.in/rule38requests>.

b. SOP for verification of new application, vacancy capturing and relieving process is available on Home page of admin login of portal at https://apps.cept.gov.in/rule38requests/Login_adm.aspx.