

No.1-1/2016-SPN-II(Pt)
Government of India
Ministry of Communications
Department of Posts
(SPN-II Section)

Dak Bhawan, Sansad Marg,
New Delhi -110001.

Dated 18th November, 2019

To

1. All Chief Postmasters General / Postmasters General
2. Chief General Manager, BD Directorate / Parcel Directorate / PLI Directorate
3. Director, RAKNPA / GM, CEPT / Directors of all PTCs
4. Addl. Director General, Army Postal Service, New Delhi
5. All General Managers (Finance) / Directors Postal Accounts / DDAP

Subject: Request for transfer to lower posts under the provision of Fundamental Rules 15(a).

Sir/Madam,

I am directed to say that the Directorate is in receipt of a number references relating to requests for transfer to a lower post attracting the provision of Fundamental Rules 15(a). FR 15(a) provides as under:

“F.R.15 (a) The President may transfer Government servant from one post to another provided that except-

- (1) on account of inefficiency or misbehavior, or
- (2) on his/her written request,

a Government servant shall not be transferred to, or except in a case covered by Rule 49, appointed to officiate in a post carrying less pay than the pay of the post on which he holds a lien.”

2. Department of Personnel & Training (DOP&T) were consulted in the matter who have advised as under:-

- (i) The expression “The President may” used in FR 15(a) indicates that it is not mandatory and accordingly it is not necessary to accede to the request for transfer to lower post under FR 15(a) invariably. In other word, Competent Authority has discretion to accept or reject such request.

- (ii) On combined reading of the provisions of FR 15(a) and FR 22(I)(a)(3), the transfer under FR 15(a) on own written request of the employee from a post carrying higher pay scale to a post carrying lower pay scale and subsequently pay protection benefit on such transfer may only be allowed in the cases where the employee holds a lien on the post carrying higher pay scale before his transfer to a post carrying lower pay scale.
- (iii) If written request is made by employee under FR 15(a), the same may be treated as transfer under FR 15(a) and accordingly protection of pay may also be considered subject to fulfillment of condition given above.

3. DOP&T's OM No. 28020/1/2010-Estt(C) dated 17.08.2016 provides followings guidelines on lien:-

3.1.1 Lien is defined in FR 9(13). It represents the right of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. The benefit of having a lien in a post/service/cadre is enjoyed by all employees who are confirmed in the post/service/cadre of entry or who have been promoted to a higher post, declared as having completed the probation where it is prescribed. It is also available to those who have been promoted on regular basis to a higher post where no probation is prescribed under the rules, as the case may be.

4. On the basis of above guidelines, illustration of a few scenarios are given below:

Illustration I: A Postal Assistant after completion of requisite length of service has been promoted to LSG post. After working sometime, the official makes a request for transfer to lower post i.e. Postal Assistant. In this case, lien of the official will be in LSG post and competent authority may take a decision.

Illustration II: A LSG official after completion of requisite length of service has been promoted to HSG-II. After working sometime, the official makes a request for transfer to lower post i.e. LSG. In this case, HSG-II grade is Group 'B' post whereas LSG is Group 'C' posts. If the official has completed probation period in HSG-II post as prescribed, then his/her lien will be in HSG-II post. Accordingly competent authority may take a decision.

Illustration III: A Postal Assistant has passed LDCE of Inspector Posts (IP) and after working a short period makes a request for transfer to lower post. In this case, IP grade is Group 'B' post whereas PA is Group 'C'. If the official has not completed probation period as prescribed for IP post and competent authority has decided to accept the official request for transfer to PA post, then protection of pay will not be governed in accordance with DOP&T OM No.12/1/2016-Estt (Pay-I) dated 31.03.2017. The pay will be fixed at the stage at which he would have drawn the same had he not been promoted as IP but continued to work as PA.

Illustration IV: A Postal Assistant has passed LDCE of Inspector Posts (IP). After working sometime, the official makes a request for transfer to lower post i.e. PA. In this case, IP grade is Group 'B' posts whereas PA is Group 'C' posts. If the official has completed probation period prescribed for IP posts, then his/her lien will be in IP post. Then, competent authority may take a decision.

5. Department of Personnel & Training's O.M. No.12/1/2016-Estt (Pay-I) dated 31.03.2017 provides that pay fixation in respect of a Government Servant transferred to a lower post under FR 15 (a) on his/her own request shall be made in the following manner:

"In case of transfer to a lower Level of post in the Pay Matrix under FR 15(a) on his/her own request w.e.f. 1.1.2016, the pay of the Government Servant holding a post on regular basis will be fixed in the revised pay structure at the stage equal to the pay drawn by him/her in the higher Level of post held regularly. If no such stage is available, the pay will be fixed at the stage next below in the lower Level with respect to the pay drawn by him/her in the higher Level of post held regularly and the difference in the pay may be granted as personal pay to be absorbed in future Increment(s). If maximum of the vertical range of pay progression at the lower Level in which he/she is appointed, happens to be less than the pay drawn by him/her in the higher Level, his/her pay may be restricted to that maximum under FR 22(I)(a)(3)".

6. Seniority of an official on transfer to a lower post on own request under the provision of FR 15(a) shall be regulated as per OM No. 20011/1/2008-Estt(D) dated 10.11.2010 of DOP&T.

7. Under FR 15, Power has been delegated to Head of Department to transfer a Government servant from one post to another. As per the schedule -II of Financial Power issued by Department of Posts, Chief Postmaster General is the Head of the Department for matter relating to postal circles. FR 15(a) may be invoked in accordance with provision as described in para 2(i) above.

8. Transfer to a lower post with protection of pay drawn in higher post entails addition financial burden on Public Exchequer. Therefore, Circles are advised that provision of FR 15(a) should not be invoked in a routine manner. Accordingly, request for transfer to a lower post entailing protection of pay should be examined on case to case basis and shall be approved on rarest of the rare cases for reasons to be recorded on the file. While considering such request, genuineness of grounds mentioned by the official and sanctioned strength/ working strength of grade/cadre in which official is working should also be taken into account. A list of such cases along-with reasons for transfer may be submitted to Directorate for information every six months.

Yours faithfully,


(Muthuraman)

Assistant Director General (SPN)

Copy to information:

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2. PPS/ PS to Addl. DG (Co-ordination/ Member (Banking)/ Member (O)/ Member (P)/ Member (Planning & HRD)/ Member (PLI)/ Member (Tech)
3. Additional Secretary & Financial Adviser / Sr. Deputy Director General (Vigilance) & CVO / Sr. Deputy Director General (PAF)
4. Director General, P&T (Audit), Civil Lines, New Delhi
5. Secretary, Postal Services Board/All Deputy Directors General
6. Chief Engineer (Civil), Postal Directorate
7. All Sections of Postal Directorate
8. All recognized Federations / Unions / Associations
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10. Guard File


(Rajeev Yadav)

Section Officer (SPN-II)