

No.PER(AP)-C-B(2)-2/2024
Government of Himachal Pradesh,
Department of Personnel(AP-III).

From

Principal Secretary(Personnel) to the
Government of Himachal Pradesh.

To

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Heads of Department in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh.

Dated: Shimla-171002, the 16th August, 2024.

Subject:- Regarding transfer of contract employees and assigning of seniority and counting of contractual service for regularization in case of inter-district transfer-Policy instructions thereof.

Madam/Sir,

I am directed to refer to the subject cited above and to say that the Comprehensive Guiding Principles-2013 have been circulated vide Department of Personnel(AP-II), Government of Himachal Office Memorandum Number Per(AP-B)E(3)-17/2012-Part-8, dated 10-7-2013 for regulating the transfer of the State Government employees. Para 7 of these Guiding Principles contains the provision for postings/transfers of contract employees wherein it has clearly been mentioned that the employees appointed on contract basis shall be eligible for transfer after completion of three years of service, at par with the regular employees on administrative grounds, wherever required. The transfer/posting of such contractual employees will be made on need basis. This provision was further reiterated vide DoP's letter No.Per(AP-B)E(3)-17/2012-Part-8, dated 3-6-2014 requesting that the provision contained in Para-7 of Comprehensive Guiding Principles-2013 may be observed

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strictly and no contract employee be transferred before completion of three years service at a particular place of posting.

2. Subsequently, the Department of Personnel vide instructions/letter No. PER(AP)-C-C(2)-2/2015-Part, dated 13th April, 2022 & 25th May, 2022 issued instructions which, inter-alia, provides that in case a contractual appointee is transferred under rare and exceptional circumstances under the Inter-District Transfer Policy of the concerned department(s) with prior approval of the competent authority, he/she will be placed at the bottom of existing panel/list of contractual officials working in/on the same/identical grade/posts of the district to which transfer is made. However, his contractual service in the previous district/establishment shall be counted for the purpose of regularization. The contractual officials, already working in the same district/cadre/establishment and grade/post to which transfer(s) has been made and subsequently regularized after the transferee on completion of the prescribed length of contractual service, shall regain their seniority position in the cadre/establishment after their regularization, if placed higher on the panel/list at the time of transfer.

3. However, several instances have come to the notice of the Government that inter-district transfers of contract appointees in the district cadre posts under the prevalent policy of inter-district transfer in different departments are being made. Resultantly, various issues, administrative/recruitment relating to lien, seniority and counting of contractual service rendered in the previous establishment for regularization in the latter cadre/establishment, on transfer/appointment are arising. Moreover, the spirit/intention of guiding principles regulating

postings/transfers of contract appointees is being compromised and this spirit/intention needs to be upheld.

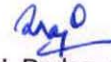
4. Therefore, the Government, in supersession of all the previous instructions issued by the Department of Personnel from time to time {viz. No.PER(AP)-C-B(2)-2/15-loose, dated 5th December, 2016 No. PER(AP)-C-C(2)-2/2015-Part, dated 13th April, 2022 & 25th May, 2022}, has decided that inter cadre/establishment transfer of contract appointees is not permissible. Further, in rare and exceptional circumstances, if a contractual employee is transferred to another cadre/establishment on his/her own request with the approval of the competent authority, such contract appointee on his/her transfer/appointment to another station/cadre/ establishment shall be treated as fresh appointee in the new station/cadre/establishment and placed at the bottom of existing panel/list of contractual officials working in/on the same grade/posts for the purpose of seniority. The service rendered on contract basis in the earlier cadre/establishment on transfer/appointment to another station/cadre/establishment will not be counted for regularization purposes and for any other financial benefits and the employee will be treated as fresh appointee for all intents and purposes. Further, deputation/secondment shall not be permissible in case of the contract appointees.

5. It has further been decided that transfer proposal as specified in Para 4 above shall be processed only after the concerned contractual employee gives an undertaking in the form of an affidavit to his/her Head of Department that he/she will not claim his past contract service for the purpose of seniority/regularization and any other financial benefits and that he/she will be treated as fresh appointee for all

intents and purposes.

6. These instructions may be followed in letter & spirit and brought to the notice of all concerned.

Yours faithfully,



(Sant Raj Puharta)

Under Secretary(Personnel) to the
Government of Himachal Pradesh.

Endst.No.PER(AP)-C-B(2)-2/2024, Dated:Shimla-2, 16th August, 2024

Copy forwarded to all the Section Officers in H.P. Secretariat,
Shimla-171002 for necessary action.



(Sant Raj Puharta)

Under Secretary(Personnel) to the
Government of Himachal Pradesh.
