

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

Dak Bhawan, Sansad Marg,
New Delhi – 110001
August 20, 2024

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: Transfer to lower posts under the provision of Fundamental Rule, 15(a) – clarification.

Madam/Sir,

I am directed to say that vide letter of even number dated 18.11.2019, detailed guidelines have been issued for considering the request for transfer to lower post under Fundamental Rule 15(a).

2. As per guidelines, Chief Postmaster General of concerned Postal Circle has been made the Competent Authority to decide the such representations. Further, Competent Authority has the discretion to accept or reject such request.

3. Due to provision of protection of pay in certain type of cases as mentioned in letter dated 18.11.2019, it is observed that request for transfer to lower post under FR 15(a) is being submitted in routine nature with intent to get the benefit of pay protection of higher posts while working in lower posts. Transfer to lower post with protection of pay drawn in higher posts entails additional financial burden on Public Exchequer. Accordingly vide said letter dated 18.11.2019, all Circles have been advised not to invoke the provision of FR 15(a) in a routine manner and cases involving protection of pay 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.

4. **However, it has come to notice of this office that request for transfer to lower posts are being approved in a routine manner which is not desirable as per the guidelines issued vide letter dated 18.11.2019.**

Cont...

V. Prasad

5. Further, DOPT OM No. 20011/1/2008-Estt(D) dated 10.11.2010 – [**Fixation of seniority of a person who has been transferred to a lower post under FR-15(a)**] says that:

“When the Government employee is transferred to a lower post on his own request under FR 15(a)(2), it neither, identifies itself as a case of penal action on the employee nor as a case of transfer to a lower post in public interest. As the person already stood promoted to the next higher grade, in case of his/her reoccupying the lower post at the top of the seniority (original position), would affect adversely not only the existing officers in the grade, but would apparently nullify the very purpose of his /her transfer to the lower post. As such an officer seeking transfer to a lower post under FR-15, at his own request, would be placed below all officers appointed regularly to the lower grade on the date of transfer”.

6. As per the above guidelines, seniority of such official who seeks the transfer to lower posts under FR 15(a) is to be fixed below all officials appointed regularly to the lower grade on the date of transfer.

7. Further, it has come to notice that such official who got transfer to lower posts is being made eligible for promotion by counting his/her service from the date of joining in lower post at initial stage. Senior officials who has not completed requisite length of service are also being considered for promotion with reference to such junior official who got transfer to lower post and placed at the bottom of seniority list.

8. This issue has been examined in light of DOPT OM dated 20011/1/2008-Estt(D) dated 10.11.2010 as mentioned above, which say that seniority of such official who seeks transfer to lower posts under FR 15(a) is to be fixed at the below all officers appointed regularly to the lower grade on the date of transfer. In view of this principle, an official who sought transfer to lower grade under FR 15(a) needs to put up a fresh service from the date of appointment to lower post after transfer from higher post, to become eligible for promotion to higher posts whether on seniority cum fitness basis or LDCE quota. Accordingly, junior/senior condition will not arise with reference to such official as such official will not become eligible till completion of a fresh spell of requisite length of service.

9. Circles are advised to take action accordingly.

Yours faithfully,

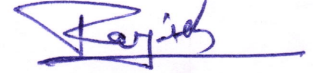
V. Prasad
20/11/21

(Vangara Prasad)

Assistant Director General (SPN)

Copy to information:

1. Sr.PPS to Secretary (Posts) / Sr.PPS to Director General Postal Services
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
4. Sr. Deputy Director General (Vigilance) & CVO / Sr. Deputy Director General (PAF)
5. Director General, P&T (Audit), Civil Lines, New Delhi
6. Secretary, Postal Services Board/All Deputy Directors General
7. Chief Engineer (Civil), Postal Directorate
8. All Sections of Postal Directorate
9. All recognized Federations / Unions / Associations
10. GM, CEPT for uploading the order on the India Post website.
11. Guard File



(Rajesh Kumar Maurya)
Section Officer (SPN-II)