

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'The Uttarakhand Annual Transfer For Public Servants Act, 2011' (Adhiniyam Sankhya 21 of 2011).

As Passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 12 October, 2011.

No. 313/XXXVI(3)/2011/57(1)/2011
Dated Dehradun, October 12, 2011

NOTIFICATION

Miscellaneous

**THE UTTARAKHAND ANNUAL TRANSFER FOR PUBLIC SERVANTS
ACT, 2011**

[UTTARAKHAND ACT NO. 21 OF 2011]

AN

ACT

to determine a procedure for proper, impartial, objective and transparent annual transfers etc. of Uttarakhand Public Servants.

Be it enacted by the Legislature of State of Uttarakhand in the Sixty Second Year of the Republic of India as follows: --

**Short title and
Commencement
and Application**

1. (1) This Act may be called the Uttarakhand Annual Transfer for Public Servants Act, 2011.
- (2) It shall come into force at once.
- (3) This Act shall be applicable for all services under the control of State except All India Services, State Civil Services and State Police Services, and the State Government may by notification, apply it to the Corporation, Board and Local Bodies.

**Overriding
effect**

2. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law before the commencement of this Act.

Definitions

3. In this Act, unless there is anything repugnant in the subject or context-
 - (a) "Constitution" means "the Constitution of India";

- (b) **“Government”** means the Government of Uttarakhand;
- (c) **“Governor”** means the Governor of Uttarakhand;
- (d) **“Serious patient”** means any employee suffering from a serious diseases and its include Cancer, Blood Cancer, AIDS/HIV(positive), Heart disease (By pass surgery), Kidney disease (dependent on the dialyses due to failures of both the kidneys), Tuberculosis (both the lungs are damaged), SARS (third stage);
- (e) **“Disability”** means such disabilities which include total blindness, legs without both feet or one incomplete foot or paralyzed (one hand or one foot);
- (f) **“Certificate of Competent Authority”** means a certificate issued by the All India Medical Institute, Post-Graduate Institute of Medical Sciences or Medical Board or equivalent Medical Institute and certificate issued by Competent Authority as provided in the relevant Act for disabilities;
- (g) **“Fitness certificates”** means certificate issued by the Medical Board/Competent Authority for being fit to discharge his/her duty by the employee of serious disease or disability category inspite of his/her being under treatment/disabled;
- (h) **“Senior employee”** means an employee of the age of 55 years or above;
- (i) **“Accessible and Remote areas”** means accessible and remote areas mentioned district wise under this Act in Annexure 1, 2 and 3;
- (j) **“Place of posting or site of posting”** means place of posting/ site of posting at the time of consideration for transfer of the employee.

**Classification
of employees
for posting**

4. The employees shall be classified in the following categories for their posting ; namely :-
- (1) such employees for whom there is provision to be posted from district Headquarter to village level;

- (2) such employees for whom there is provision to be posted at district headquarter, tahsil headquarter, development block headquarter and local bodies headquarter;
- (3) such employees for whom there is provision to be posted only at district headquarter.

Identification and disclosure of accessible and remote areas

5. Head of the office/ Head of the department as the case may be, of each department shall proceed to identify the place of postings under accessible and remote areas in accordance with the classification provided in section 4 and take such measures for its disclosure including display on the website of Uttarakhand, as may be necessary for wide circulation and publication.

Types of Annual transfer

6. There shall be following types of Annual transfer; namely :-
 - (a) compulsory transfer from accessible area to remote area;
 - (b) compulsory transfer from remote area to accessible area; and
 - (c) transfer on the basis of request.

Norms of Compulsory transfer from accessible area to remote area

7. There shall be following norms for compulsory transfer from accessible areas to remote areas; namely :-
 - (a) The employees, who have completed 05 years or more in accessible area shall be compulsorily transferred subject to the number of vacancies available and anticipated under section 10 in remote area;
 - (b) The employees, who have not completed 05 years at present place of posting but during whole service period have served in accessible area for more than 10 years, shall also be compulsory transferred from accessible area to remote area subject to availability of vacancies/posts in remote area as above:

Provided that for the counting of total service period in accessible area the proviso of definition of accessible area given in Annexures specified in section 3 of this Act shall also be taken into consideration;

