

**GOVERNMENT OF INDIA/BHARAT SARKAR  
MINISTRY OF RAILWAYS/RAIL MANTRALAYA  
(RAILWAY BOARD)**  
.....

No. E(NG)I-2004/TR/16

New Delhi, dated 14-8-2007

The General Managers,  
All Indian Railways and  
Production Units  
(As per standard list)

Sub: Transfer from one Railway/Division/Unit to another Railway/Division/Unit on request on bottom seniority and on mutual exchange basis.  
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In terms of extant procedure vide paras 102A, 310 and 312 of Indian Railway Establishment Manual, Vol.I, 1989, read with administrative instructions issued from time to time, request transfers are allowed from one seniority unit to another in the following manner:-

- i) On bottom seniority in grades having direct recruitment against vacant direct recruitment quota posts subject to the condition that the employee requesting transfer fulfils the qualification prescribed for direct recruitment to the post; and
- ii) on mutual exchange basis in any grade on own seniority or seniority of the employee with whom the exchange takes place, whichever of the two is lower.

2. The staff side have raised a demand in the forum of DC-JCM that the extant provisions regarding regulating transfers on request may be modified suitably as such transfers are being allowed without having regard to the operation of post-based rosters resulting in shortfall of the particular categories in the unit from which transfers take place and excess of that categories in the unit to which the employees are transferred thereby blocking in the latter unit, promotional/employment opportunities.

2.1. Separately, the High Court of Kerala at Ernakulam vide their order dated 07.06.2005 in O.P No. 2150/02 while partially upholding the order of CAT, Ernakulam Bench dated 31.12.2001 in OA No. 851/1999, have held that mutual transfers should be allowed between staff belonging to the same category (i.e. General with General, SC with SC and ST with ST). Subsequently in OA No. 612/2005 the CAT, Ernakulam Bench have directed that the Railway Board should decide the policy arising out of High Court of

Kerala's order dated. 07.06.2005 referred to in this para, as expeditiously as possible.

3. In the light of the above, the matter has been considered carefully by the Ministry of Railways. It has been decided that in order to maintain the balance in the post-based rosters with reference to reservations prescribed for SC and ST staff and to avoid hardship to staff in the feeder grade in the matter of their promotion, transfers on mutual exchange basis should be allowed between employees belonging to the same category (i.e. General with General, SC with SC and ST with ST).

3.1. However, transfers on bottom seniority in recruitment grades need not be restricted with reference to points in the post-based rosters. The procedure being followed generally in this regard to adjust shortfall/excess in future may continue. **But such transfers should be allowed *only repeat only against vacant direct recruitment quota posts and not against promotion quota posts.***

4. The above instructions do not in any way alter the existing procedure as laid down by this Ministry regarding operation/maintenance of post-based rosters.

The receipt of this letter may be acknowledged.

(J.S. GUSAIN)  
Director Establishment (N)  
Railway Board