



# Haryana Government Gazette

## EXTRAORDINARY

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### HARYANA GOVERNMENT

#### LABOUR DEPARTMENT

#### Notification

The 28th August, 2023

**No. 3/21/2023-3 Lab.**— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Haryana hereby makes the following Online Transfer Policy, namely:-

1. **TITLE & OBJECTIVE:** This policy may be called the “**Online Transfer Policy for the posts of Labour Inspector, Assistant and Clerk of Labour Department, Haryana**”. This Policy is made to ensure equitable distribution of Labour Inspector, Assistant and Clerk as the case may be at different locations/offices of the Labour Department in a fair and transparent manner and to maximize job satisfaction amongst employees and further to improve performance of the Labour Department.
2. **APPLICATION:-**This Policy shall be applicable to all Labour Inspectors, Assistants and Clerks, who are members of State cadre, working on regular basis in the Labour Department of Haryana.
3. **DEFINITIONS:** In this policy, unless there is anything repugnant in the subject or context;
  - (a) **‘Blocked Posts’** means the vacancies of a cadre remain unfilled at any given point of time due to shortage of employees in the department.
  - (b) **‘Employees of Special Category’** means the blind employees or the differently abled employees or their children and spouse, women headed households, widows, widowers, couple case, employee suffering from Diseases of Debilitating Disorder;
  - (c) **‘Prescribed Tenure’** means Employee may participate in the transfer drive subject to completion of minimum two years service in a particular office & compulsory shifting after completion of four years of service in a particular District/Headquarter.
  - (d) **‘Qualifying date’** shall be decided at the time the process of online transfer drive is initiated.
  - (e) **‘Service’** means duty period and all kinds of leave including extraordinary leave availed by any Labour Inspector, Assistant and Clerk as the case may be during the prescribed tenure.
  - (f) **‘Transfer’** means posting/appointment from a particular office situated within or outside of a district or the headquarters to another office situated within or outside of a district or the headquarters on or before completion of prescribed tenure in one office situated within or outside of a particular district or the headquarters;

- (g) **‘Vacant Post for transfer’** means
- (i) a post not occupied by any Labour Inspector, Assistant and Clerk, as the case may be;
  - (ii) a post presently occupied by any Labour Inspector, Assistant and Clerk, as the case may be, for a period of four years or more;
  - (iii) a post on which any Labour Inspector, Assistant and Clerk, as the case may be, has been appointed by temporary transfer or due to non-availability of online transfer drive;
  - (iv) a post occupied by any Labour Inspector, Assistant and Clerk, as the case may be, who has been adjudged eligible and allowed by the competent authority to participate in the general transfer drive even if he/she has not completed the prescribed tenure within or outside of a district or the headquarters where he/she is presently posted.
- Note-1.** --- Where there are Blocked Posts in a cadre the same shall be excluded from the number of vacant posts for transfer.
- Note-2.** --- The post against which any Labour Inspector, Assistant and Clerk has been posted/transferred due to litigation shall also not be included in the vacant posts for transfer.
- Note-3.** --- Department shall prepare the list of vacant posts for transfer and notify them for the benefit of stakeholders. Depending upon input from stakeholders, such list may be amended if required.
- (h) **‘District’ & ‘Headquarters’** means an area/office prescribed by the competent authority for the purpose of calculation of prescribed tenure and entitlement of any Labour Inspector, Assistant and Clerk, as the case may be, for transfer within or outside of a district or the headquarters to another office situated within or outside of a district or the headquarters under this policy;

#### 4. GENERAL PRINCIPLES:

- (i) **Time Scheduled for Online Transfers:**
- (a) General transfers shall be made only online once in a year. However, transfer/posting necessitated by promotion, direct recruitment, posts needed to be filled up in a public interest, can be made anytime by the competent authority.
  - (b) The online process shall be decided at the time the process of online transfer drive is initiated by the Labour Department, Haryana.
  - (c) Every Labour Inspector, Assistant and Clerk having 4 years continuous or more of stay/ tenure within or outside of a district or the headquarters has to be compulsory shifted.
  - (d) Any Labour Inspector, Assistants and Clerk who has completed 2 years stay/tenure in a particular office within or outside of a district or the headquarters can opt for his transfer in an office situated within or outside of a district or the headquarters.
  - (e) In case, any Labour Inspector, Assistant and Clerk having continuous 4 years or more stay in a particular office within or outside of a district the headquarters he/she cannot opt for the same office within or outside of a district or the headquarters for next two years.
  - (f) The posting of Labour Inspector, Assistant and Clerk as the case may be in a particular office will be effected on the basis of the number of vacancies available in a particular office within or outside of a district or the headquarters.
  - (g) The number of vacancies (actual or deemed) within or outside of a district or the headquarters will be arranged from highest to lowest, so that the office having highest vacancy will be filled up first and the office with lowest vacancies will be filled up in the last. However, vacancies at the headquarters shall have priority over any other office.
- (ii) **Liabile to be posted any where:**
- On completion of prescribed tenure, any Labour Inspector, Assistant and Clerk is liable to be transferred under this policy in any office in any district or anywhere in State or to the headquarters in public interest.
- (iii) **Computerization of relevant service record of employees:**
- The Labour Department shall ensure that service record of all the employees is uploaded on HRMS Portal by the concerned DDO. The concerned DDO shall be responsible for the accuracy and regular updation of data in the HRMS in respect of credentials of the employees. All the employees are also to ensure that correct credentials have been provided to the concerned DDO, otherwise the department shall be at liberty to post him anywhere in the State.

- (iv) **Rationalization and Blocking of posts:** To avoid disproportionate concentration of employees at a particular station, the department should rationalize its sanctioned posts and block the posts to be kept vacant in the transfer drive. However, in due course of time, the department may increase/decrease the total number of sanctioned posts as per their assessment/requirement in consultation with Work Assessment Cell in the Administrative Reforms Department and Finance Department.

**5. MERIT CRITERIA FOR ALLOTMENT OF POST:**

- (a) Merit for allotment of vacant post to any Labour Inspector, Assistant and Clerk, as the case may be, shall be based on the total composite score of points earned by the concerned employee, out of total 80 points, as described below. The employee earning highest points shall be entitled to be posted against a particular vacancy.
- (b) Age shall be the Prime Factor for deciding the claim of any Labour Inspector, Assistant and Clerk against a vacant post, since it shall have weight-age of 60 points, out of total 80 points.
- (c) A weight-age of maximum 20 points can be availed by the Labour Inspector, Assistant and Clerk of special categories as indicated below:-
- (i) **Age:** The first set of merit points will be the age of the Labour Inspector, Assistant and Clerk concerned as enumerated below:-

Sr. No.	Factor of Merit Points	Sub-Factor	Max. Points	Criteria for Calculation
1	Age (Present date i.e. (1st January of the year of consideration minus date of birth)	Eldest person shall be given maximum points	60	Age in number of days/365 (maximum four decimal points only)

- (ii) **Special Category:-** The Second Set of merit points will come from the special categories enumerated hereinafter:

Sr. No	Factor of special Category Points	Sub-Factor	Max. Points	Explanation
1.	Gender	Female	10	10 Points shall be given to all female Labour Inspector, Assistant and Clerk.
2.	Special Category of female Labour Inspector, Assistant and Clerk	Widow/divorced/ legally separated/ unmarried female employee of the Labour Inspector, Assistant and Clerk having married with Military personal/ Paramilitary personal working outside the State	10	All female of this category shall be given 10 marks only
3.	Special Category of male Labour Inspector, Assistant and Clerk	Widower/divorced/legally separated who has not re-married and has one or more minor children and / or unmarried daughter (s)	5	Eligible widowers shall be given 5 points only.
4.	Differently abled persons	Vision	20	<b>40% to 60% disability= 10 Marks</b> <b>Above 60% to 80%= 15 Marks</b> <b>Above 80%= 20 marks</b>
		Locomotors	20	
		Deaf & Dumb	20	

5.	Diseases of “Debilitating Disorders” i.e. (a) Currently suffering from Cancer; or (b) Having undergone by-pass heart surgery; or (c) Kidney transplant; or (d) Currently undergoing dialysis.	Self	10	Valid medical certificate issued during last one year by AIIMS (including its branches in Haryana), PGI Rohtak, PGI Khanpur Kalan, Kalpana Chawla Medical College Karnal, PGI Chandigarh, Medical college of Haryana Government or a medical board so constituted.
6.	Diseases of “Debilitating Disorders”	Spouse/Un-married Children	10	Valid medical certificate issued during last one year by AIIMS (including its branches in Haryana), PGI Rohtak, PGI Khanpur Kalan, Kalpana Chawla Medical College Karnal, PGI Chandigarh, Medical college of Haryana Government or a medical board so constituted.
7.	Differently abled or mentally challenged children	Male/Female employee having mentally challenged or 100% differently abled child.	10	Male/Female employee having mentally challenged or 100% differently abled children shall be provided maximum 10 points.
8.	Couple case	Any employees whose spouse is working in the Haryana Government Service.	5	Employees’ spouses working in any department/board/corporations under any state Govt. or Govt. of India.
9.	ACR Performance	An employee earning good performance through ACR of last three years.	5	<b>Grading of ACR</b> <b>Outstanding = 2</b> <b>Very good = 1</b> <b>Others =0</b>

10.	Negative performance	An employee awarded with punishment during the service under: (i) Rule-4 (a) (ii) Rule-4 (b) of Haryana Civil Services (Punishment & Appeal Rules, 2016)	(-)7 (-)3.5	Deduction of points Under Rule		
				Punishment awarded	4 (a)	4 (b)
				1st	1	0.5
				2nd	2	1
				3rd	4	2
				4th	6	3
				5th and above	7	3.5
			Note:- 1. Both reductions to be made if punished under both. 2. The negative marks will be deducted from the maximum admissible 20 merit points			

- (e) The employees who are having 80% or more disabilities as defined in Section (i) of the PwD Act, 1996 shall be given their choice of posting.

#### 6. PROCEDURE TO BE ADOPTED:

- (i) In case of Labour Inspector, Assistant and Clerk who exhaust their preferred choices, before posting them under "anywhere in the state" option, the Labour department shall again seek their options against the remaining available posts at that point of time. A change in the transfer software has been made accordingly so that they are not randomly posted too away from their places of posting.
- (ii) The option once exercised and confirmed by the employee shall be final and cannot be changed.
- (iii) Any Labour Inspector, Assistant and Clerk, who is due for superannuation within one year or less, shall not be transferred from his place of posting against his will, even on completion of prescribed stay in that office, but he/she can participate in the transfer drive if he/she desires so.
- (iv) Merit criteria for allotment of station will be as per para 5 above.
- (v) All transfer orders shall be implemented within 7 days of their issuance. The concerned DDO and Treasury Officer shall not draw the salary of the Labour Inspector, Assistant and Clerk, who has not complied with the said orders.
- (vi) A Committee headed by the Deputy Commissioner and comprising the CMO and District Officer of the concerned Department (where the affect employees is working), may recommend deputation/temporary transfer of an employee after the transfer drive, on the basis of genuine and compelling reasons. Such recommendations shall be submitted on the web portal of the Department. The committee will scrutinize such cases and send their recommendations to the Government which will be dealt under relaxation clause of Transfer Policy.
- (vii) Online general transfer under this policy shall be treated as 'transfer in public interest' and in such case the joining time and composite transfer grant shall be admissible, as per provisions made in Haryana Civil Services Rules, 2016.
- (viii) The employee aggrieved with the transfer can represent to the Administrative Secretary (Labour) after joining at the new place of posting within 15 days of issuance of orders, on a grievance redressal forum to be provided by the department for this purpose. The representation shall be considered in accordance with the policy and appropriate decision shall be conveyed by passing a speaking order.

#### 7. BAR AGAINST CANVASSING:

No Labour Inspector, Assistant and Clerk shall canvass for his/her case except through a representation to the Head of Department or to higher authorities through proper channel. No relief can be sought except the relief against the violation of any procedure as prescribed in para 6 above. However, all the other individual representation shall be treated as an attempt to bring extraneous influence on the due process.

**8. APPOINTMENT BY PROMOTION OR DIRECT RECRUITMENT:-**

Any Labour Inspector, Assistant and Clerk, who joins through direct recruitment or by promotion/repatriation shall be posted in a particular office within or outside of a district or the headquarters irrespective of this policy, subject to availability of vacant post.

**9. OPPORTUNITY OF EXEMPTION TO CERTAIN CATEGORIES:-**

The following categories of Labour Inspector, Assistant and Clerk will not be transferred unless they desire to participate in the online transfer drive:-

- (a) The employee, who is due for superannuation within one year or less.
- (b) Unmarried female employee upon her marriage for a period of one year from the date of marriage;
- (c) Married female employee upon divorce for a period of one year from the date of divorce;
- (d) Widow or widower employee on the death of spouse for a period of one year from date of the death of spouse.
- (e) Upon re-marriage of the person mentioned in category (c) and (d) above, for a period of one year from the date of marriage.
- (f) The newly married or recently divorced female employees shall be given preferred place of posting against vacancy upon request. However, they shall have to participate in the next transfer drive being married or widowed and at that time they shall be adjusted at any of their top three choices against available vacant posts.

**10. CLARIFICATION & IMPLEMENTATION:**

In case of any doubt or difficulty in making out the true intention of the terms of this policy, the Administrative Secretary of the Labour Department shall be the competent authority to clarify such doubt or to remove such difficulty by passing a speaking order to this effect.

**11. POWER TO RELAX:-**

Notwithstanding anything contained in the policy, the Administrative Secretary, Labour Department, Haryana with the prior approval of the Chief Minister, Haryana, shall be competent to transfer any Labour Inspector, Assistants and Clerks to any place in relaxation of any or all of the above provisions after recording reasons justifying such relaxation.

ANURAG AGARWAL,  
Principal Secretary to Government, Haryana,  
Labour Department.