

**THE GAUHATI HIGH COURT AT GUWAHATI**  
(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

Dated Guwahati the 17<sup>th</sup> August, 2021

**TRANSFER POLICY FOR THE STAFF OF THE SUBORDINATE  
COURTS IN ASSAM**

1. The Policy shall be known as "Transfer Policy for the staff of the Subordinate Courts in Assam".
2. Unlike Judicial Officers, the transfer of employees of Subordinate Judiciary may not be done in a routine manner for the time being. It may be done in public interest and on the event of immediate necessity
3. The transfer may be need based and in administrative exigency for the time being and may not be done in every three years as there is lack of infrastructure for residential accommodation for staff in every station.
4. The High Court may take necessary steps in due course to provide residential accommodation to staff in future, so that employees can be transferred like judicial officers in regular interval.
5. Since litigants come in contact first with the ministerial staff in courts, so every staff is required to maintain high standard of probity while discharging their functions. Any indication/appearance of impropriety may warrant transfer of a staff from one station to another for restoring confidence of the litigants in the system.
6. If transfer of an employee becomes inevitable then his/her place of posting may be considered at the nearest station of his hometown. This will reduce discontent to a great extent.
7. As far as practicable all transfers shall be given effect to in the month of January of the calendar year so that the children (Offspring) of the incumbents faces no difficulties in getting admission either in colleges or in the schools.
8. Mid-term transfer, unless warranted by compelling circumstances shall not be resorted to.
9. If husband/wife of the incumbents is also an employee of any of the two establishments, then they shall be accommodated in the same station, provided vacancies are available.
10. Transfer on request may be considered by the High Court, only if there exists any valid reasons for such request, but same is subjected to availability of vacancies in other district head-quarter or sub-division or on mutual transfer.

Contd.....

  
17/8/21

[2]

11. Ordinarily, an employee with disability should not be transferred from one station to other, unless public interest and administrative exigencies warrants.
12. Transfer of an incumbent may not be considered 6 (Six) months before his/her (immediate) retirement, as it may cause much difficulty in getting his pension after retirement.
13. On transfer, the incumbent will be entitled to T.A. and D.A. as per Government Rule. But if transfer is considered on the request of the incumbents, then he will not be entitled to any T.A. and D.A.
14. All individual cases of transfer are to be placed before the Chief Justice for order with recommendation of the concerned Portfolio Judge.
15. No request for transfer by a newly appointed employee shall be entertained until completion of 3(three) years of service.
16. Whenever a request for transfer from one district to another district is made by an employee and such request is acceded to, such an employee shall not carry his seniority to the establishment where he is transferred. In such a case of inter-district transfer on request, the transferred employee shall be placed at the bottom of the cadre in the establishment to which he is transferred, i.e., he will be treated as the junior-most in his cadre on the date of joining.
17. The Head of the Establishments are to forward representations for transfer of the staff under their establishment only in the month of November.
18. The Head of the Establishments while forwarding the representation for transfer are to mention about their objection/no objection, if any, in the event of transfer of the staff from their establishment.
19. While submitting transfer representation, the employee has to mention his/her date of joining in service along with a copy of his/her appointment letter and the category (General/OBC/SC etc.) to which he/she is appointed.

By Order,

*Sd/- Gautam Baruah*

**REGISTRAR (VIGILANCE)**  
**GAUHATI HIGH COURT, GUWAHATI**

Memo No.HC.VII-38/2021 / 3476 - 3496 /A.

Dated 17.08.2021

Copy to:-

1. The L.R. & Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati.
2. The Principal Accountant General, Assam, Beltola, Maidamgaon, Guwahati.
3. The District and Sessions Judge, \_\_\_\_\_ for wide circulation of the Notification amongst the staff.

*Contd.....*