



(TO BE PUBLISHED IN THE GAZETTE OF INDIA PART-I, SECTION-2)

No. I-11014/03/2022-IPS.IV

भारत सरकार /Government of India
गृह मंत्रालय/Ministry of Home Affairs

Room No. 220, North Block,
New Delhi-110001, dated 28th March, 2023

NOTIFICATION

That cases of inter-cadre transfer of Indian Police Service officers are governed by Rule-5(2) of the Indian Police Service (Cadre) Rules, 1954, and the guidelines issued thereon by the DOP&T. Rule 5(2) of the Indian Police Service (Cadre) Rules, 1954 provides that the Central Government may, with the concurrence of the State Governments concerned, transfer a cadre officer from one cadre to another cadre.

2. That the enabling provisions regarding inter-cadre transfer have been issued by the Department of Personnel and Training (DOP&T) vide their Office Memorandum No. 13017/29/2002-AIS.I dated 11.11.2022 which inter-alia provides:-

- (i) Inter-cadre transfer shall continue to be permitted for members of All India Service officers on marriage to another member of an All India Service, where the officer or officers concerned have sought a change. *"Inter-cadre transfer shall also be permitted on grounds of extreme hardship in the rarest cases"*.
- (ii) Inter-cadre transfer shall not be permitted to the home State of the officer.
- (iii) In cases of inter-cadre transfer on grounds of marriage, efforts should be made in the first instance to ensure that the cadre of one officer accepts his or her spouse.
- (iv) Only in instances where both States have refused to accept the other spouse will the officers be considered for transfer by the Government of India to a third cadre subject to the consent of the Cadres concerned for such transfer.

3. That Shri Akshat Garg has been appointed to the Indian Police Service based on his qualifying Civil Services Examination 2016 and has been allocated to the West Bengal Cadre of the Indian Police Service. Shri Akshat Garg, IPS (WB:2017) has married to Ms. Supriya Das, IPS (AM:2017) whose Home State is West Bengal.

4. That Shri Akshat Garg, IPS (WB:2017) has submitted a representation dated 23.02.2022 to Ministry of Home Affairs seeking inter-cadre transfer from West Bengal to Assam Meghalaya cadre on the grounds of his marriage with Ms. Supriya Das, IPS (AM:2017). The spouse of Shri Akshat Garg, IPS (WB:2017) i.e. Ms. Supriya Das, IPS (AM:2017) cannot apply for her cadre transfer to West Bengal on marriage ground being West Bengal her Home State.

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5. That in terms of Rule 5(2) of the Indian Police Service (Cadre) Rules, 1954 and the DoP&T's guidelines dated 11.11.2022, request of the officer for his inter-cadre transfer from West Bengal cadre to Assam-Meghalaya cadre has been examined in this Ministry and as a pre-requisite to enable to process the case further, the views/comments of Governments of West Bengal, Government of Assam and Government of Meghalaya have been sought.

6. That the Government of Assam vide their letter dated 26.05.2022 and Government of Meghalaya vide their letter dated 14.04.2022 have conveyed their No Objection to accept Shri Akshat Garg to Assam-Meghalaya Cadre on inter-cadre transfer from West Bengal on the grounds of his marriage with Ms. Supriya Das, IPS (AM:2017). However, the Government of West Bengal has not responded to this Ministry's letter dated 25.03.2022 followed by reminder dated 15.07.2022 wherein the State Government of West Bengal has been requested to offer their views/comments on the request of Shri Akshat Garg.

7. That Shri Akshat Garg filed O. A. No. 1680/2022 before the Hon'ble Central Administrative Tribunal, Principal Bench, Delhi. After hearing all the parties in this case, Hon'ble CAT vide its Order dated 01.02.2023 has inter-alia given the following directions:-

In view of the above mentioned, the O.A. is allowed and the State of West Bengal, i.e. Respondent NO.2, is directed to issue NOC to the applicant within a period of 6 weeks from the date of receipt of a copy of this order. In the event, such NOC is not issued, the applicant shall be deemed to have been relieved by virtue of this order. The respondent No.1 shall thereafter consider/treat this order as a relieving order of the applicant to enable him to join his post in Assam and Meghalaya Cadre. There shall be no order as to costs.

8. That Shri Akshat Garg, IPS (WB:2017) vide his email dated 16.03.2023 has informed Ministry of Home Affairs that in compliance with the Hon'ble CAT, New Delhi's order dated 01.02.2023 in OA No. 1680/2022, he has relinquished his charge in West Bengal Cadre on 15.03.2023 as he is deemed to have been relieved by virtue of the aforesaid Order. Consequently, he has reported at Assam Police HQ on 16.03.2023.

9. That in exercise of powers conferred under Sub-Rule (2) of Rule 5 of Indian Police Service (Cadre) Rules-1954, the Central Government hereby transfers Shri Akshat Garg, IPS (WB:2017) from West Bengal to Assam-Meghalaya cadre on the grounds of his marriage with Ms. Supriya Das, IPS (AM:2017) w.e.f. 16.03.2023.



(Anjan Sarkar)

Under Secretary to the Government of India
Ph. No. 011-2309 4008

To

The Manager,
Government of India Press,
Minto Road
New Delhi

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1. The Chief Secretary, Government of West Bengal, Kolkata
2. The Chief Secretary, Government of Assam, Dispur w.r.t. their letter No. HMA. 233/2018/39 dated 26.05.2022. The name of Shri Akshat Garg, IPS (WB:2017) may be placed in the gradation of Assam-Meghalaya cadre below all the direct recruit officers of his category borne on that cadre who have the same year of allotment. One spare copy of this Notification for the officer is also enclosed.
3. The Chief Secretary, Government of Meghalaya, Shillong w.r.t. their letter No. HPL 162/2016/170 dated 14.04.2022.
4. The Director General of Police, Assam, Dispur
5. The Director General of Police, Meghalaya, Shillong
6. The Director General of Police, West Bengal, Kolkata.
7. The Accountant General (A&E), Assam, Dispur.
8. The Accountant General (A&E), Meghalaya, Shillong.
9. The Accountant General (A&E), West Bengal, Kolkata.
10. The Director, SVP National Police Academy, Hyderabad.
11. IPS-I Section/IPS-II Section/ IPS-III Desk/ PMA Cell, IPS.ACR Cell MHA, North Block, New Delhi
12. Director (NIC) with the request to upload this notification in the link- IPS Cadre Management-Appointment-Inter-cadre transfer
13. Guard File/05 Spare copies



(Anjan Sarkar)

Under Secretary to the Government of India