

**GOVERNMENT OF MIZORAM  
SCHOOL EDUCATION DEPARTMENT**

3rd Floor, Building No.II  
Mizoram Secretariat, MINECO  
Aizawl - 796001

**OFFICE ORDER**

Aizawl, the 23<sup>rd</sup> September, 2024

**No.F.13016/1/2022-EDN :** The Department has, of late, often received representations from Service Associations under this Department regarding transfer and posting of Govt. servants, questioning the competency of the Government in making the best decision as per extant rules and procedures.

In this regard, it is felt necessary to reiterate the following points laid down under Office Memorandum No. A.12018/28/2013-P&AR(GSW), Dt. 19.07.2024 (enclosed) and Office Memorandum No. B.11015 /1/2024-P&AR(GSW), Dt. 11.07.2024 (enclosed) :-

1. The transfer of a Government servant who is appointed to a particular cadre of transferable posts from one place to another is an ordinary incident of service and no Government servant can claim to remain in a particular place or in a particular post of his liking.
2. The Government is the best judge to decide how to distribute and utilize the services of its employees.
3. The Government possesses unrestricted authority to transfer its employees.
4. The provisions laid down in Para 5 titled "Representation submitted by Service Associations" under the OM No. B.11015 /1/2024-P&AR(GSW), Dt. 11.07.2024 (enclosed) should be complied with.

All Service Associations under this Department are hereby informed to strictly abide by the provisions laid down under the said Office Memorandums and refrain from making representations containing remarks/suggestions in contravention of the provisions under the Office Memorandums.

**Sd/-DAVID LALTHANTLUANGA**  
Special Secretary to the Govt. of Mizoram  
School Education Department

**Memo No.F.13016/1/2022-EDN**

**: Aizawl, 23<sup>rd</sup> September, 2024**

*Copy to:-*

1. *Director of School Education*
2. *All DEOs and SDEOs*
3. *General Secretary, Higher Secondary School Lecturers' Association of Mizoram (HISSLAM)*
4. *General Secretary, Mizoram Secondary School Teachers' Association (MISSTA)*
5. *General Secretary, Mizoram Higher Secondary School Vocational Education Teachers' Association (MIHISSVETA)*
6. *General Secretary, Mizoram Middle School Teachers Association (MSTA)*
7. *General Secretary, Mizoram Primary School Teachers' Association (MPTA)*
8. *General Secretary, Mizoram Undergraduate Primary Teacher Association (MUGPTA)*

  
**(LALSANGPUIA)**

Under Secretary to the Govt. of Mizoram  
School Education Department

No.A.12018/28/2013-P&AR(GSW)  
Government of Mizoram  
Department of Personnel and Administrative Reforms  
(General Service Wing)

Mizoram Secretariat, MINECO  
Aizawl, the 19th July, 2024.

**OFFICE MEMORANDUM**

**Subject: Relieving of government servants upon transfer.**

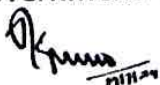
Recruitment Rules/Service rules generally contain the provisions 'power to transfer' and 'posting of members of the service' as follows-

*"Notwithstanding anything contained in these rules, the State Government, in public interest, shall have the right and power to transfer any officials, so recruited under these rules to any other post or position which is equivalent in rank or grade"*

*"Every member of the Service shall, unless he is on leave or otherwise not available for holding a duty post, be posted against a duty post of the appropriate grade in the Service. Notwithstanding anything contained in sub-rule, the State Government, in public interest, shall have the right and power to transfer any member of the Service to any other post or position which is equivalent in rank or grade."*

2. The transfer of government servants aims to harmonize objectives of institutional memory, avoid the development of vested interests, and provide a variety of exposure to employees, thereby ensuring their overall growth. While continuity offers value, prolonged tenure within a single position can impede innovation and departmental adaptation. The government functions as a continuous entity, with its services and operations transcending individual tenures. The completion of any governmental task is inherently collaborative, relying on the collective effort of its workforce. Therefore, the departure of any employee, whether through transfer or otherwise, does not impede the ongoing functioning of the machinery of governance. A robust system for succession planning ensures a seamless transition of responsibilities, guaranteeing that essential services continue to be delivered uninterrupted. It is with this understanding that the concept of indispensability is not applicable within the framework of government employment. To suggest otherwise would be tantamount to implying the potential for departmental paralysis, a notion demonstrably unfounded.

3. It is well understood that the transfer of a government servant who is appointed to a particular cadre of transferable posts from one place to another is an ordinary incident of service and therefore does not result in any alteration of any of the conditions of service to his disadvantage in the absence of any specific condition to the contrary in the law governing conditions of service. That a government servant is liable to be transferred to a similar post in the same cadre is a normal feature, and no government servant can claim to remain in a particular place or in a particular post unless, of course, his appointment itself is to a specified, nontransferable post. It is needless to emphasize that a government servant has no legal right to insist on being posted at any particular place of his liking. The government is the best judge to decide how to distribute and utilize the services of its employees. In short, the government possesses unrestricted authority to transfer its employees, taking into

  
21/7/24

account the demands of public interest and administrative necessities. It is settled law that a transfer which is an incident of service is not to be interfered with by the Courts unless it is shown to be clearly arbitrary or vitiated by mala fides or infraction of any professed norm or principle governing the transfer.

4. Very often, the administrative Heads/Heads of departments /Offices do not comply with the orders and retain the transferred employee/staff, showing them against the existing vacancy, if any for one reason or another, even after the substitute joins duty. In many cases, the transferred employees/staff are not relieved for want of substitutes. Such non-compliance with transfer orders often leads to exerting pressure on the Government to request retention/ modification/ cancellation orders, which is not desirable for a good administration. This has been reviewed and the following instructions are issued for strict compliance by all concerned-

i) Once a transfer order is issued, the Administrative heads/Heads of departments /Offices shall relieve the transferred official immediately without waiting for the substitute to join duty, **not later than two working days in case of posts not requiring transfer of charge/inventory/cash handling. In case of posts requiring transfer of charge/inventory/cash handling, the officers/officials shall be relieved not later than five working days.** If a transferred employee is not relieved within this stipulated period, he will be deemed to have been relieved.

ii) No request for retention shall be made by the department/office concerned and it is the responsibility of the administrative Heads/Heads of departments /Offices to train the existing staff working under their control in all spheres of activities without depending on individual staff/employees.

iii) While relieving, no leave shall ordinarily be granted except in emergent situations.

iv) The employee who refuses to be relieved will also be liable for disciplinary action under extant rules.

5. These instructions shall come into force with immediate effect. Administrative departments/Heads of departments/Offices shall strictly follow the above instructions, and deviations, if any, shall be taken seriously.

6. All administrative departments are requested to bring these instructions to the notice of all concerned for strict compliance.

Sd/-K.Lalthawmmawia  
Commissioner & Secretary to the Govt. of Mizoram

**Memo No.A.12018/28/2013-P&AR(GSW) : Aizawl, the 19th July, 2024**

Copy to:

1. Secretary to Governor.
2. Commissioner & Secretary to Chief Minister.
3. P.S. to Speaker/Ministers/Leader of Opposition/Deputy Speaker/Ministers of State/Vice Chairman, State Planning Board/Deputy Govt. Chief Whip.
4. All Members of Legislative Assembly.
5. Chief Executive Member, MADC/LADC/CADC
6. Sr. P.P.S to Chief Secretary.
7. All Heads of Administrative Departments.
8. Commissioner, Persons with Benchmark Disabilities.

No.B.11015/1/2024-P&AR(GSW)  
Government of Mizoram  
Department of Personnel and Administrative Reforms  
(General Service Wing)

Mizoram Secretariat, MINECO  
Aizawl, the 11th July, 2024

OFFICE MEMORANDUM

**Subject: Consolidated instructions on the representation of government servants and service associations in service-related matters.**

It has come to notice that, despite repeated clear instructions on the aforementioned subject, there is a rising trend of government employees at various levels bypassing established channels of representation and directly approaching high-level functionaries. This disregard extends to service unions/associations, which increasingly address individual service matters directly to political executives and other senior authorities. The Department of Personnel and Administrative Reforms (DP&AR) continues to receive numerous service-related representations from government employees and associations that have been forwarded directly to such higher authorities/officers

2. In light of the foregoing, a decision has been made to compile comprehensive instructions under clear headings. This will serve as a reference and guide for all parties involved.

**i) Representation from Government servants on service matters.**

When a government servant wishes to file a claim or seek redress of a grievance regarding his or her service rights or conditions, he or she should contact his or her immediate official superior, the Head of his office, or such other authority at the lowest level with which he is competent to deal with the matter. An appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim, refused relief, ignored or unduly delayed the disposition of the case. Representations to still higher authorities (e.g. those addressed to the Chief Minister, Ministers, MLAs, etc) must be submitted through the proper channel (i.e. the Head of Office, etc. concerned). There will be no objection at that stage, but only if an advance copy of the representation is sent directly.

**ii) Action by the authorities on the representations from Government servants on service matters.**

In instances where designated officials fail to address formal grievances filed by government employees, this may necessitate escalation to political executives, supervisory personnel, and relevant administrative bodies. To ensure the efficient resolution of such matters, all pertinent entities should implement the following procedures-



Sl.No	Type of representation/ grievance	Action by the authorities
1.	(i) representations/complaints regarding non-payment of salary/allowances and other dues.  (ii) representations on other service matters.	If the individual has not received a response within a month of submission, he may address or request an interview with the next higher officer to resolve his grievances. Such superior officer should immediately send for the papers and take whatever action is required without delay.
2.	Representations against the orders of the immediate superior authority	These types of representations are typically made only in cases where the statutory rules or orders do not provide for the filing of appeals or petitions. Such representations should be dealt with as soon as possible. The provisions of Sl. No. 1 above would also apply to such representations, but not to subsequent representations made by the same Government servant on the same subject after his previous representation has been appropriately resolved.
3.	Appeals and petitions under statutory rules and orders (e.g. Classification, Control and Appeal Rules and the petition instructions)	Although the relevant rules or orders do not specify a time limit for the competent authority to respond to appeals and petitions, it should be ensured that all such appeals and petitions are addressed promptly and resolved within a reasonable time frame. If it is anticipated that an appeal or petition will not be resolved within a month of submission, the individual should receive an acknowledgement or an interim response within that time frame.

**iii) Prohibition on bringing any political or outside influence in respect of matters pertaining to service under the Government.**

Rule 20 of the CCS (Conduct) Rules, 1964 provides that no Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. All government servants are,

*Of course*

therefore, advised to refrain from such practice. They should not bring or attempt to bring any political or other outside influence to further their interests in respect of matters pertaining to their service under the Government, including transfer and posting, allotment of residential accommodation, etc. In light of adequate instructions being available in the matter of submission of representations by government servants and treatment of the representations by the authorities concerned, submission of representations directly to higher authorities by passing the prescribed channel of communication, has to be viewed seriously, and appropriate disciplinary action should be taken against those who violate these instructions, as it can rightly be treated as an unbecoming conduct attracting the provisions of Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964. It is clarified that this includes all forms of communication, such as e-mails and the public grievances portal. etc.

**iv) Advance copies of such representations received should be handled in accordance with the general guidelines outlined below.**

- (a) If the advance copy does not clearly show that all avenues for obtaining attention or redress from lower authorities have been tried and exhausted, the representation should be ignored or rejected summarily on that basis, with the reasons communicated briefly to Government servants. If the government employee continues to address higher authorities prematurely, he should face appropriate disciplinary action.
- (b) If the advance copy clearly shows that all appropriate lower authorities have been addressed and exhausted, it should be examined to determine whether there are prima facie grounds for interference or further consideration based on the facts as stated. Where no such grounds exist, the representation may be ignored or summarily rejected, with the reasons communicated briefly to the Government servant.
- (c) Even if there appear to be some grounds for interference or further consideration, the appropriate lower authority should be asked within a reasonable time to forward the original representation, along with its report and comments on the points raised. Ordinarily, there is no justification for passing orders based on a representation without first obtaining the comments of the relevant lower authority.

**3. Representation from the relatives of Government servants.**

Relatives of government employees occasionally make representations regarding service issues affecting the employee. In some cases, this is done in the hope of reviving a representation made by the government servant and rejected. In some cases, this procedure is used to avoid the requirement that the government servant submit his representation through his official superiors. This practice is obviously undesirable and should be strongly discouraged. It has accordingly been decided that no notice should be taken of a representation on service matters submitted by a relative of a Government servant. The only exceptions may be cases where the Government servant is unable to submit a representation due to death, physical disability, or other circumstances.

**4. Redressal of grievances - recourse to courts of law by government servants.**

- (i) Government employees seeking redress for grievances arising from their employment or working conditions should, in their own best interests and in accordance with official propriety and discipline, exhaust the normal official channel of redress before proceeding to a court of law.

*[Handwritten signature]*

(ii) However, if any Government servant requests permission to sue the Government in a court of law for the redress of such grievances before or after exhausting the normal official channels of redress, he may be informed that such permission is not required.

**5. Representation submitted by service associations.**

Several representations for transfer, posting, promotion and grievances. etc are being received on behalf of employees from the association. It has also been observed that Service Associations continue to represent directly to the Public leader and other higher authorities. Such submission of representations directly to other authorities bypassing the prescribed channel of communication has to be viewed seriously. This can be rightly treated as breaching of the provisions of the Central Civil Services (Recognition of Service Association) Rules, 1993. Some of the relevant provisions are reiterated as follows:

i) The Service Association shall not espouse or support the cause of individual Government servants relating to service matters [Sub-rule (b) of Rule 6].

ii) The Service Association shall not maintain any political fund or lend itself to the propagation of the view of any political party or a member of such party [Sub-rule (c) of Rule 6].

(iii) All representations by the Service Association shall be submitted through proper channel and shall be addressed to the Secretary to the Government/Head of the Organisation or head of the Department or office [Sub-rule (d) of Rule 6].

(iv) The Service Association shall not do any act or assist in the doing of any act which, if done by a Government servant, would contravene any of the provisions of the central Civil Services ( Conduct ) Rules, 1964 [Sub-rule (k) of Rule 6].

(v) Communications addressed by the Service Association or by any office-bearer on its behalf to the Government or a Government authority shall not contain any disrespectful or improper language [Sub-rule (l) of Rule 6].

(vi) The Service Association shall not be formed to represent the interests, or on the basis, of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denomination [ Sub-rule (f) of Rule 5].

6. All Administrative departments are requested to bring these instructions to the notice of all concerned under their control and appropriate disciplinary action may be taken against those who violate the said rules.

7. Mizo version will follow.

Sd/-K. Lalthawmmawia  
Commissioner & Secretary to the Govt. of Mizoram

**Memo.No.B.11015/1/2024-P&AR(GSW)**

**Aizawl, the 11th July, 2024**

Copy to:-

1. Secretary to Governor.
2. Commissioner & Secretary to Chief Minister.
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4. All Members of Legislative Assembly.
5. Chief Executive Member, MADC/LADC/CADC.
6. Sr. PPS to Chief Secretary.
7. All administrative departments.
8. Municipal Commissioner, AMC.
9. Secretary, MPSC/Lok Ayukta.
10. Secretary, MSEC/MSIC
11. All Heads of Departments.
12. All Deputy Commissioners.
13. All wings of DP&AR.
14. Website Manager, DP&AR for uploading in the website.
15. Guard File.

  
(H. Lalrinpuia) 11/12

Deputy Secretary to the Govt. of Mizoram