



## **TRANSFER GUIDELINES 2025**

### **Office of the Attorney General Royal Government of Bhutan**

*Guideline endorsed by the Royal Civil Service Commission during its 49th Commission Meeting held on June 25, 2025*

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## **Foreword**

The Office of the Attorney General (OAG), as the parent agency for legal professionals under the legal services category, holds responsibility for managing the Human Resource (HR) of all legal professionals employed with the Agencies. The primary aim of the guideline is to facilitate smoother, effective, and transparent transfer, ultimately enhancing the implementation of development programs and public service delivery. Additionally, this guideline aims to provide overall guidance to the Human Resource Committee (HRC), intending to not only optimize HR deployment across the agencies but also ensure seamless mobility of human resources.

To streamline this process, the OAG has formulated a transfer guideline in accordance with Section 13.2 of the Bhutan Civil Service Rules and Regulations (BCSR), 2023, which has been formally recommended by the 17th Human Resource Committee (HRC) Meeting held on 18th March 2025, Office of the Attorney General and endorsed by the 49th Commission Meeting held on June 25, 2025, Royal Civil Service Commission.

**Attorney General**

## **1. Background**

As a part of the HR Management, the transfer exercise is a key responsibility of the Parent Agency and must be conducted in accordance with the Bhutan Civil Service Rules and Regulations (BCSR) 2023 within the approved staff strength and transfer guideline endorsed by the RCSC.

The transfer exercise aims to enhance mobility among legal professionals to optimize their contributions to the government. Considering the growing number of legal professionals, regular transfers are necessary to provide exposure to diverse areas of work and ensure the optimum utilization of the statistical professionals. However, the transfer should be carried out objectively, ensuring the efficient utilization of individual skills and the knowledge in their respective workplace.

As outlined in the BCSR 2023, the transfer guidelines will adhere to the principles of transparency and fairness and align with BCSR provisions. The guidelines aim to streamline and improve the transfer process, fostering efficiency, transparency, and smooth public service delivery, while facilitating effective personnel deployment in agencies to fulfill their mandates.

Additionally, this guideline will serve as a procedural reference for the HRC and will apply to all civil servants under the parenting responsibility of the OAG, who must comply with its provisions.

## **2. Scope and Coverage**

- 2.1. In line with the provisions of the BCSR, the Transfer Guidelines shall be applied for transfer of all civil servants under the Office of Attorney General and those working in different agencies including Local Government Administration who fall under the parenting responsibility of OAG as determined by the BCSR.
- 2.2. OAG has the authority to facilitate both inter and intra-transfer for parented positions upto P1.
- 2.3. Intra-agency transfer refers to a transfer between the Departments within the OAG.
- 2.4. Inter-agency transfer refers to a transfer between the different agencies, such as from OAG to Ministries and other government agencies.

## **3. Authority to Transfer**

- 3.1. The Transfer Guideline is in line with Section 13.2.2 of the BCSR 2023.

- 3.2. The HRC of the Office of Attorney General shall be the final approving authority of all transfer decisions taken under the provisions of the Transfer Guidelines.
- 3.3. The HR Services and OAG shall ensure the transparent and consistent implementation of the Transfer Guidelines.
- 3.4. All transfers shall be facilitated in consultation with the working agency.

#### **4. Transfer Criteria**

- 4.1. The legal professionals shall not claim transfer and placement as a matter of right.
- 4.2. Relevant provisions of the BCSR shall be applied for transfer procedures/processes that have not been specified in this Transfer Guidelines.
- 4.3. The transfer exercise shall be carried out on an annual basis.
- 4.4. The HR service shall notify annual transfer prior to six months of the effective date (1st July) along with applicable procedures and criteria. Following this, the interested or eligible employees shall submit the transfer application form along with other required documents.
- 4.5. A change in duties and responsibilities within a division of an agency shall be considered a transfer.
- 4.6. An employee shall be eligible for an intra-transfer (within OAG) after serving a minimum of three years, including the probation period. However, transfers will not be facilitated for employees during the probation period.
- 4.7. An employee shall be eligible for an inter-transfer (between different agencies) after completing a minimum service of 5 years.
- 4.8. Both intra-agency and inter-agency transfers shall be based solely on public interest and the urgent need for specific positions. However, transfers upon request may also be expedited, depending on the genuineness of the case
- 4.9. Transfer on/upon request shall be prudently reviewed based on certain unavoidable reasons, as such medical and marital grounds. However, the criteria for both categories of transfer must be fulfilled.

- 4.10. The duration of Long-Term Training (LTT), Extraordinary Leave (EOL) and Medical Leave shall not be counted for the purpose of calculating the number of years in the current place of posting.
- 4.11. If both spouses are legal professionals or are working in the same agency (OAG), efforts shall be made to facilitate their simultaneous transfer to the same location, as far as possible.
- 4.12. An employee shall not be transferred to a position where their skills and knowledge are irrelevant or where the requirement is not deemed critical.
- 4.13. A transfer shall generally coincide with the performance planning and evaluation cycle. The effective date of transfer shall typically be the 1st of July each year. However, transfers on dates other than the 1st of July may be fast-tracked based on the criticality of the positions.
- 4.14. An employee due for superannuation within the next one year may not be transferred.
- 4.15. All transfer requests shall be routed through the HR Committee of the working Agencies. No transfer proposal shall be considered without the approval of the HR committee of the respective working agency.

## **5. Secondment and Officer on Special Assignment (OSA)**

- 5.1. Legal professionals shall be eligible for secondment/temporary transfer and OSA upon meeting the prescribed criteria, with the objective of gaining diverse experiences and expertise, which will benefit both the relieving and receiving agencies.
- 5.2. The provisions related to secondment and OSA shall be aligned with the BCSR 2023.
- 5.3. The HR Division at the OAG shall ensure that all secondment and OSA procedures outlined in the BCSR 2023 are meticulously adhered to.

## **6. Assessment for Transfer**

- 6.1. Transfer exercise shall be based on the approved staffing pattern and positions.
- 6.2. A legal professional shall be given the option to choose up to three places of choice in the Transfer Application Form. However, the final placement shall be determined based on the following assessment system:

- 6.2.1. Score against the place of posting on the scale of 5 to 50 as given in Annexure A. Total score against the place of posting shall carry 70% of the total weight as follows:
  - 6.2.1.1. Current place of posting - 50 %
  - 6.2.1.2. Last place of posting before the current place - 20%
- 6.3. For legal professionals who are transferred for the first time, a total weight of 70% shall be allocated for the current place of posting.
- 6.4. Score against Performance Evaluation rating (PE) on the scale of 5 to 30 as given in the Annexure III. PE rate shall carry 30% of total weight.
- 6.5. Legal professionals under the transfer list shall be ranked based on the total score.
- 6.6. Based on the option provided in the Transfer Form, preference for place of transfer shall be given to legal professionals securing the higher score. In case of a tie, HRC shall first consider the seniority of the legal professionals, followed by the previous place of posting.
- 6.7. In instances where there is no conflict in the choice of place, the HRC shall approve without applying the above assessment.
- 6.8. The above assessment shall not be applied for transfer under special circumstances such as:
  - 6.8.1. Transfer based on need for specialized skills/qualification in the particular Agency/place;
  - 6.8.2. Transfer on special medical needs; or
  - 6.8.3. Where there is no conflict in the choice of place.
- 6.9. A legal professional may appeal the transfer decision of the HRC in writing to RCSC if the decision was made by OAG HRC or to OAG if the decision was made by any agency.
- 6.10. A Working Agency while issuing a No Objection Letter should ensure that the lateral transfer of the legal professional does not affect the regular service delivery.
- 6.11. Replacement for the lateral transfers will be worked out by the OAG only during the annual transfer cycle along with the graduate requisition.

## **7. Transfer Benefits**

- 6.1. The employees or legal professionals on intra-agency transfer shall not be entitled for transfer benefits.

- 6.2. The employees or legal professionals who are inter-transferred to a location beyond a 10KM radius from the current place of posting shall be entitled for transfer benefits.
- 6.3. The employees or legal professionals who are inter-transferred upon request shall not be entitled for transfer benefits. However, exceptions may be considered based on budget availability and the gravity of the reasons.
- 6.4. The overall transfer benefits eligibility and other related financial components shall be in accordance with the BCSR 2023 and the standing financial rules and regulations issued by the Ministry of Finance.

## **8. Procedure for Lateral Transfer**

- 8.1. All vacancies are required to be filled up from the in-service pool of candidates at the same position level.
- 8.2. After having announced vacancy on the OAG's website, even if there is only one eligible candidate, the transfer may be initiated upon fulfilling the criteria.
- 8.3. Lateral transfer of the legal professionals to other agencies should be routed through the HRC of the Working Agency.
- 8.4. The HRC of both the OAG and Working Agencies has the right to refuse or accept the candidate.
- 8.5. A Working Agency while issuing a No Objection Letter should ensure that the lateral transfer of the legal professional does not affect the regular service delivery.
- 8.6. Replacement for the lateral transfers will be worked out by the OAG only during the annual transfer along with the graduate requisition.

## **9. Relieving Procedure**

- 9.1. There shall be proper handling/taking including government property, and files/records before a legal professional is relieved on transfer.
- 9.2. The Working Agency shall relieve the transferred legal professional within one month from the date of issue of the transfer order, without waiting for the replacement. Legal professionals who are transferred shall assume the responsibilities immediately unless otherwise approved by the HRC of the receiving agency.



- 9.3. The OAG will monitor the status of the transfer exercise, and follow up on non-compliance with the transfer order.

## **10. Joining on Transfer**

- 10.1. A legal professional shall report to the new place of posting within 5 working days provided that the new place of posting is at least 10 kilometers away from the previous work station.
- 10.2. A legal professional upon joining the new place of posting shall submit a joining letter to the Human Resource Services of the respective agency.

## **11. Non-Compliance**

- 11.1. Non-compliance with the Guidelines shall be treated as a violation, and the HRC/Agency shall be accountable as per BCSR 2023.
- 11.2. A Legal professional failing to abide by the transfer order shall be liable for administrative actions as per BCSR 2023.
- 11.3. Budgetary bodies shall stop payment of salary to the concerned legal professional after 30 days from the effective date of transfer.

## **12. Responsibilities of Human Resource Services (HRS)**

- 12.1. The HRS as the focal point for professionals parented by OAG shall prepare an annual transfer schedule, action plan and timeline which shall be shared to the concerned agencies and the employees.
- 12.2. The HRS shall:
  - 12.2.1. compile a list of legal professionals due for transfer by July of the calendar year.
  - 12.2.2. share the list with individual legal professionals through the head of concerned Agencies/Departments by August of the calendar year.
  - 12.2.3. After consultation with the Agency/Department, the HRS shall compile and make a transfer proposal to the HRC as per the provisions of the Guidelines and BCSR 2023.
  - 12.2.4. Issue Transfer Orders based on the approval accorded by the HRC.
  - 12.2.5. Update the transfer in the information system (ZES)

**12.3. The HRC shall:**

- 12.3.1. approve the transfer proposal.
- 12.3.2. determine the place of transfer for legal professionals who are due for transfers.
- 12.3.3. if such legal professionals fail to submit the transfer application form or submit an incomplete transfer application form. In both cases, the decision of the HRC shall be final and binding.
- 12.3.4. In the event that legal professionals due for transfer either fail to submit the transfer application form or submit an incomplete form, the decision of the HRC in such cases shall be final and binding.

**13. Amendment and Interpretation**

- 13.1. The Agency shall deliberate and decide on the transfer criteria, update the transfer guideline as necessary, and notify the legal professionals or employees of any changes before conducting the annual transfer exercise.
- 13.2. The Transfer Guidelines may be amended as and when necessary by the HRC of the OAG and submitted to the RCSC for endorsement as required by Section 13.2.2 of the BCSR 2023.
- 13.3. The HRC of the OAG shall be the final authority to interpret any differences in the application of the Transfer Guidelines. However, the provision of the BCSR 2023 shall prevail in case of any ambiguity between this guideline and the BCSR 2023.

**14. Definition**

- 14.1. Legal Professional: All civil servants under the parenting of OAG inclusive of but not limited to the Legal Officer, Legislative Officer, Attorney, and Legal Assistant working in the agency.
- 14.2. Agency: means the Legislature, Ministry, Constitutional Office, Autonomous Agency, Dzongkhag, Gewog, Thromde, or a statutory body of the Royal Government.
- 14.3. The Procedure and criteria for transfer shall be made available on the OAG's website. Civil servants shall follow the transfer procedures which may be announced by the HR Services.

**Annexure I: Transfer Application Form**

**Office of the Attorney General  
Transfer Application Form**

1. Attach your CV generated from ZEST, and ensure that the information in your CV is accurate.
2. Spouse's Details:
  - a. Married / Unmarried (please tick)
  - b. If married :
    - a. Name of the Spouse : \_\_\_\_\_
    - b. Occupation : \_\_\_\_\_
    - c. Position Title: \_\_\_\_\_
    - d. Working agency: \_\_\_\_\_
3. Transfer Preference (indicate only the name of the preferred Agency/Dzongkhag / Thromde)

Option 1 : \_\_\_\_\_

Option 2 : \_\_\_\_\_

Option 3 : \_\_\_\_\_

**Confirmed by:**

**Recommended by**

**(Signature of the Employee)**

**(Head of Division)**

**Decision of HR Committee (HRC No.)**

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**(Head of the Agency)**

**Note:**

1. Form should be submitted to the HRS, OAG as per the deadline announced by HRS.
2. It is mandatory to provide three (03) options of preferred places of posting. If the form is incomplete, the HRC shall exercise discretion on the place of transfer.
3. Based on the decision of the HRC (*in consultation with the working agency*), a transfer order shall be issued.
4. Refer Transfer Guidelines of OAG for details.

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## Annexure II: Points for place of posting

Category/Rank	Name of the Dzongkhag	Current place of posting (50%) A	Last place of posting before the current place (20%)
1	Thimphu	5	2
2	Paro	10	4
	Phuntsholing *		
	Punakha		
	Gelephu*		
3	Wangdue	20	8
	Samtse		
	Sarpang		
	Tsirang		
4	Chukha	30	12
	Haa		
5	Bumthang	40	16
	Trashigang		
	Trongsa		
	Mongar		
	Samdrup Jongkhar		
6	Gasa	50	20
	Lhuntse		
	Pemagatshel		
	Dagana		
	Trashi-Yangtse		
	Zhemgang		

*\*Places included in the list because of the location and preference for transfer.*

### Annexure III: Points for Performance Evaluation rating

A civil servant shall be awarded points based on the average performance evaluation ratings for the last 3 years:

Ratings	Points
Outstanding	30
Very Good	20
Good	15
Need Improvement	5

The average PE score of the last three years shall be calculated as follows:

Year	Score (C)
Year I	
Year II	
Year III	
Total	
Average (total/3)	

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Table for calculation of total score (scores from the table in Annexures II and III):

Place of posting (70%)		PE 30% ( C )	Total (100%) A+B+C/(A+C)
Current place of posting ( A )	Last place of posting before the current place (B)*		