



TRANSFER GUIDELINES 2024

**Ministry of Industry, Commerce and
Employment
Royal Government of Bhutan**

Guideline endorsed by the Royal Civil Service Commission during its 24th Commission Meeting held on November 13, 2024.

Table of Contents

Acronym/Definition	3
1. Introduction	4
2. Objectives	4
3. Scope and objectives	4
4. Authority of transfer	5
5. Transfer rules	5
6. Criteria	6
7. Transfer Procedures	6
8. Appeal	7
9. Responsibility of Working Agency	7
10. Relieving and Joining	8
11. Amendment and Interpretation	8

Acronym/Definition

MolCE: Ministry of Industry, Commerce and Employment

Agency: Agency where civil servants working under the parenting responsibility of MolCE

Civil servants: Civil servants under the parenting responsibility of the MolCE

HRC: Human Resource Committee of the MolCE

HRD: Human Resource Division of the MolCE

1. Introduction

The Ministry of Industry, Commerce, and Employment (MoICE) is one of the largest ministries, with six departments, three regulatory bodies, and a secretariat, including the Corporate Regulatory Authority and six regional offices. The Regional Office of Industry, Commerce and Employment (ROICE) is located in Thimphu, Phuntsholing, Gelephu, Samdrup Jongkhar, Mongar and Trongsa and is headed by the Regional Directors.

As MoICE serves as a parent agency for the six Departments, three Regulatory Bodies and the Secretariat along with six Regional Offices, it is important to develop a transfer guideline within the ministry to facilitate fair and transparent transfers in conformity with section 13.2.2 of the BCSR 2023. This transfer guideline will facilitate mobility among civil servants of the ministry to ensure the optimal utilization of their services in the government's interest. Recognizing the vulnerable posts in the ministry, there is a need for regular transfer exercises to address this issue and to ensure optimum utilization of existing officials. Moreover, such exercise will deter the development of vested interest leading to corruption, nepotism, patronage, favoritism, and bureaucratic red tape resulting from the prolonged stay of an individual in any particular place, agency or position. The transfer guideline will also ensure proper planning of transfer through consultation with respective departments/agencies and Regional Offices.

2. Objectives

The objectives of the transfer guideline are to:

- 2.1. Provide a proper framework for planning and execution of transfer;
- 2.2. Implement and facilitate intra-department and inter-department transfer parented by the MoICE; on a need basis in line with the provisions of the BCSR 2023; and
- 2.3. The transfer of civil servants within the ministry is carried out fairly and transparently.

3. Scope and objectives

As per the provisions of the BCSR 2023, the Transfer Guideline shall be applicable for intra-ministerial transfers of all P1 and below regular civil servants who are parented by the Ministry.

4. Authority of transfer

4.1. As per section 13.3.1 of the BCSR 2023, the authority to transfer shall be as follows:

Type of Transfer	Authority
Intra and inter-agency transfer of executives*	RCSC
Transfer with the change of Super Structure	RCSC
Inter-Agency for parented positions up to P1	Parent Agency
Intra/Inter-Major Occupational Group within the Super Structure Group up to P1	Agency

4.2. The HRC of the Ministry shall be the final approving authority of all the transfer decisions taken under the provisions of the Transfer Guideline, except in case of transfer of executive and transfer with a change of Super Structure as provided under Section 4.1 of this guideline.

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

4.4. The HRC of the Ministry shall be the final approving authority of all transfer decisions taken under the provisions of the Transfer Guidelines.

4.5. The HRD, MoICE shall ensure transparent and consistent implementation of the Transfer Guidelines.

5. Transfer rules

5.1. The HRC shall rationalize and approve the transfer proposal.

5.2. The HRC of the agency shall transfer staff based on this transfer guideline that is transparent, fair, and aligned to the provisions of the BCSR (Section 13.4.1 of BCSR 2023).

5.3. The ministry may upon completion of a minimum 5 years of active service in the current working place, transfer a civil servant, where applicable.

5.4. A civil servant due for superannuation within the next one year shall not be transferred (section 13.4.13 of the BCSR 2023).

5.5. In the event of non-compliance to any transfer order issued, administrative actions shall be imposed by the HRC;

5.6. Any cancellation/deferment shall be made by the HRC based on the recommendation of the department.

- 5.7. A civil servant shall be given the right to appeal against the transfer decision.
- 5.8. In case of transfer on request, a civil servant shall be eligible for transfer only upon completion of three years of active service in the current place following a new appointment and two years thereafter.
- 5.9. A civil servant granted transfer on request without fulfilling the conditions as prescribed in this transfer guideline shall not be entitled to transfer benefits (Section 9.11.5 of the BCSR 2023);
- 5.10. A change in duties and responsibilities within a division of an agency shall not be considered as transfer (Section 13.4.3 of the BCSR 2023);
- 5.11. The transfer cycle shall not be applicable for the following transfers;
 - 5.11.1. Transfer based on immediate and urgent requirements in the public interest;
 - 5.11.2. Transfer on special medical needs or humanitarian grounds.
- 5.12. A civil servant returning from a foreign posting shall be placed in any vacant positions available within the ministry as per the decision of the HRC.

6. Criteria

- 6.1. Transfers shall be strictly based on the approved staff strength of the RCSC;
- 6.2. A civil servant shall be given the option to choose up to three places/departments/divisions where alternatives are available. However, the final transfer decision shall be taken based on following assessment criteria:
 - 6.2.1. Relevancy of the Position Title;
 - 6.2.2. Seniority (No. of active years served);
 - 6.2.3. Number of years in current posting; and
 - 6.2.4. Transfer frequency

7. Transfer Procedures

- 7.1. The HRD shall prepare the annual transfer list and timeline.
- 7.2. The following procedure shall be followed:

- 7.2.1. HRD shall compile the list of civil servants due for transfer in June of the calendar year;
- 7.2.2. The list shall be shared with individual civil servants by July of the calendar year;
- 7.2.3. All individuals included in the list shall submit an application or a proposal recommended by the head of the department to the HRD;
- 7.2.4. The HRD shall review and compile transfer proposals in consultation with the heads of the divisions/departments/authority and submit to the HRC;
- 7.2.5. The HRC shall approve the transfer proposal based on the authority to transfer and recommend transfer involving change in Super Structure; and
- 7.2.6. The HRD shall issue a Transfer Order based on the approval accorded by the HRC.
- 7.3. The effective date of transfer shall be 1st January of the following year for annual transfer.
- 7.4. Cancellation/deferment shall be communicated following the deliberation in the HRC.

8. Appeal

- 8.1. Any appeal against the transfer decision of the HRC must be submitted within 15 days from the date of the transfer order.
- 8.2. Transfer appeal may be reviewed based on the submission of relevant documents by the Department or individual civil servant.
- 8.3. The decision of the HRC on the appeal shall be final and communicated in writing.

9. Responsibility of Working Agency

- 9.1. The Working Agency shall relieve civil servants who have been transferred as per the effective date provided in the Transfer Order.
- 9.2. The Working Agency shall provide transfer benefits, leave, and other entitlement as per the provisions of the BCSR 2023, unless specified otherwise.

10. Relieving and Joining

- 10.1. All civil servants who are transferred shall be relieved within 30 days from the date of issue of the transfer effective date and shall assume the new responsibilities immediately on expiry of the admissible joining time unless otherwise approved by the HRC of the receiving agency as per clause 13.9.3. of BCSR 2023
- 10.2. Accountability shall be fixed on the head of the departments and individual civil servants for non-compliance to the transfer order.
- 10.3. Non-compliance to the transfer order shall be referred to the HRC for appropriate actions and shall be reflected in the negative list for future HR actions.
- 10.4. Payment of monthly salary shall be seized for non-compliance to the transfer order.
- 10.5. A civil servant after joining a new place of posting on transfer shall submit a joining report.
- 10.6. The HRD shall update transfer and joining in the ZES.

11. Amendment and Interpretation

- 11.1. The Transfer Guidelines may be amended, as and when necessary, by the HRC of the Ministry and submitted to the RCSC for endorsement as required by Section 13.2.2 of the BCSR 2023.
- 11.2. The HRC shall be the final authority to interpret any difference or incongruence 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.
