

HEALTH AND FAMILY WELFARE SECRETARIAT

NOTIFICATION

No. HFW 89 HSH 2011, Bangalore, Dated: 15-6-2011

Whereas the draft of the following rules which the Government of Karnataka proposes to make in exercise of the powers conferred by section 12 of the Karnataka State Civil Services (Regulation of Transfer of Medical Officers and Other Staff) Act, 2011 (Karnataka Act 2 of 2011) was published in Notification No: HFW 89 HSH 2011 dated: 13-05-2011 in part IV-A, No: 506 of the Karnataka Extraordinary Gazette dated: 13-05-2011 inviting objections/ suggestions from the persons likely to be affected thereby within 15 days from the date of its publication in the Official Gazette.

And whereas the said Gazette was made available to the public on 13-05-2011.

Whereas objections/suggestions received are considered by the State Government.

Now, therefore in exercise of powers conferred by the sub section (1) of Section 12 of the Karnataka State Civil Services (Regulation of Transfer of Medical Officers and Other Staff) Act, 2011, the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. Title and commencement.- (1) These rules may be called the Karnataka State Civil Services (Regulation of Transfer of Medical Officers and Other Staff) Rules, 2011.

(2) These rules shall come into force from the date of its publication in the Official Gazette.

2. Definitions.- (1) In these rules unless the context otherwise requires, -

(a) 'Act' means the Karnataka State Civil Services (Regulation of Transfer of Medical Officers and Other Staff) Act, 2011 (Karnataka Act 2 of 2011);

(b) 'section' means section of the Act.

(2) All other words and phrases not specifically defined herein, shall have the same meaning assigned to them in the Act.

3. Competent Authority.- The Competent Authorities for transfer of Medical Officers and other staff specified in column (2) of the Table below shall be as specified in column (3) thereof:-

TABLE

| Sl. No. | Category of posts | Competent Authorities |
|----------------|---|---|
| (1) | (2) | (3) |
| (i) | Senior Specialist / Specialist / Deputy Chief Medical Officer/Senior Medical Officer/ General Duty Medical Officer, Chief Dental Health Officer /Senior Dental Health Officer /Dental Health Officer. | Commissioner, Health and Family Welfare Services |
| (ii) | <u>Other Staff in Health and Family Welfare Department</u> (a) Group "B" staff | Director, Health and Family Welfare Services |

| | | |
|-------|---|---------------------------|
| | (b) Group "C" staff (c) Group "D" staff | |
| (iii) | (a) Physician -Grade-1 (Ayurveda / Unani/ Homoeopathy/ Naturopathy/ Siddha and Yoga) (b) Physician -Grade-II (Ayurveda /Unani/Homoeopathy/Naturopathy /Siddha and Yoga). | Director AYUSH Department |
| (iv) | <u>Other Staff in Ayush Department</u> (a) Group "B" staff (b) Group "C" staff (c) Group "D" staff | Director AYUSH Department |

4. Compulsory service of Medical Officers and other staff in rural areas - procedure of transfer etc.,-

(1) It shall be compulsory for all Medical Officers and Other Staff to serve in rural areas as specified in the relevant rules of recruitment. A Medical Officer or Other Staff, who, as on the date of commencement of the Act, has not served in rural areas for the specified minimum period under the relevant rules of recruitment and who has not attained the age of fifty years, shall be transferred and posted to work in a rural area.

(2) The Competent Authority shall transfer such of those Medical Officers and Other Staff specified in sub-rule (1) who, as on the date of commencement of the Act, have not attained the age of fifty years and have not completed the specified period of compulsory rural service, in the relevant rules of recruitment, to rural areas, through the process of computerised counselling. In the process, in order to achieve above object, if necessary, the Competent Authority may transfer sufficient number of Medical Officers and Other Staff who have already completed the minimum period of compulsory service in rural area as per the relevant rules of recruitment, from rural area to Zone-B, and from Zone-B to Zone-A, as the case may be.

(3) The Competent Authority shall prepare and publish the names of those Medical Officers and Other Staff in each category of posts taking into consideration their length of service in urban area, who, as on the date of commencement of the Act, have not completed the specified compulsory minimum period of service in rural area as per the relevant rules of recruitment.

(4) The Competent Authority shall also prepare and publish the names of those Medical Officers and Other Staff serving in rural areas and Zone-B, who, as on the date of commencement of the Act, have already completed the minimum period of service in rural areas as per the relevant rules of recruitment in each category of posts, taking into consideration their length of service in the respective zone.

(5) The list of vacancies that are likely to be filled due to compulsory transfer of Medical Officer or other staff under sub-rule (3) i.e., existing clear vacancies and the vacancies available under sub-rule (4), shall be displayed in the Departmental Website. The consequential vacancies that arise at the time of counselling shall also be included in the list of vacancies as and when such vacancies arise.

(6) Procedure in compulsory transfer of Medical Officers and other staff to rural areas shall be as follows, namely: -

(a) Publish the provisional lists of Medical Officers and other staff who are proposed to be transferred to the rural area as per sub-rule (3); on the notice board of the Department and in the Departmental Website giving seven days time for submission of objections if any.

(b) Publish the list of Medical Officers and Other Staff who are proposed to be transferred from rural areas to Zone-B, or from Zone-B to Zone-A, under sub-rule (4); on the notice board of the Department and on the Departmental Website giving seven days time for submission of objections if any.

(c) Consideration of objections and publication of final lists of Medical Officers and other staff who are to be transferred as per sub-rules (3) and (4);

(d) Counselling of the Medical officers and other staff;

(e) Issue of transfer orders.

5. Compulsory transfer of a Specialist or Senior Specialist to appropriate post and its procedure etc.,- (1) The State Government may from time to time specify, by order, the details of various posts identified in various Government Hospitals for the Specialists and Senior Specialists possessing a particular post graduate degree or post graduate diploma qualification.

(2) The competent authority shall prepare and publish the list of Specialists and Senior Specialists, who, as on the date of commencement of the Act, are working in posts which are not identified by the State Government for the particular specialised qualification possessed by them and take action to transfer them through counselling, to the respective posts which have been identified for the particular specialised qualification possessed by them.

(3) Procedure in transfer of Specialists or Senior Specialists to the respective identified posts shall be as follows, namely:-

(a) Publish the provisional list of Specialists and Senior Specialists in the order of their seniority, who, as on the date of commencement of the Act, are holding posts which are not identified for the specialised qualification possessed by them, in the notice board of the Department and in the departmental website giving seven days time to file objections.

(b) Notify the speciality wise vacancies available in various Government Hospitals.

(c) Publish the final list of Specialists/Senior Specialists who are to be transferred as per sub-rule (2).

(d) Counselling of the Specialists/Senior specialists

(e) Issue of transfer orders.

6. Transfer of Medical Officers and Other Staff:- A Medical Officer or Other Staff who has completed the minimum number of years of continuous service in a Government hospital or Government Institution as specified in the table below, may be transferred to another Government hospital or Government Institution in the same area or zone or to any other area or zone.

TABLE

| Category of posts | Minimum period of stay at a place |
|--|--|
| 1. Government servants holding Group-A posts | Three years |
| 2. Government servants holding Group-B posts | Four Years |
| 3. Government servants holding Group-C posts | Five Years |
| 4. Government servants holding Group-D posts | Seven Years |

7. Procedure in transfers through computerised counselling:- (1) The transfers in each category of posts through computerized counselling shall be in the following order:-

- (a) Transfers under sub-sections (2) and (3) of section 4 and sub-section (2) of section 5;
- (b) Transfers in public interest under sub-section (1) of section 6;
- (c) Other transfers under sub-section (1) of section 6;

(2) Procedure in transfers in public interest under sub-section (1) of section 6 shall be as follows:-

- (a) Publication of list of Medical Officers and Other Staff, based on their total length of service, who are proposed to be transferred in public interest;
- (b) Notification of vacancies proposed to be filled;
- (c) Counselling of candidates.

(3) Procedure for other transfers, shall be as follows:-

- (a) Notification of vacancies proposed to be filled;
- (b) Last date for submitting applications for transfers;
- (c) Scrutiny of applications;
- (d) Publication of provisional priority list;
- (e) Submission of objections;
- (f) Publication of final priority list;
- (g) Counselling

8. Notification of vacancies:- The list of vacancies that are to be filled by transfer, shall be displayed in the website of the Department. The consequential vacancies that arise at the time of counselling shall also be included in the list of vacancies and displayed on the computer screen as and when such vacancies arise.

9. Application for other transfers:- (1) All other transfer applications shall be submitted through the concerned Heads of Government Hospitals/Institutions in the application form specified by the Competent Authority. However, the Officers and staff working in the Directorate of Health and Family Welfare Services and Directorate of AYUSH, shall submit their transfer applications to the Chief Administrative Officer of the respective Directorates.

(2) The Head of Institution, after due verification shall forward the applications to the concerned District Health and Family Welfare Officer/ District Ayush Officer as the case may be.

(3) The District Health and Family Welfare Officer or the District Ayush Officer as case may be, shall consolidate and forward the applications to the concerned Competent Authority.

(4) The competent authority shall verify and certify the correctness of the particulars furnished in the application form.

(5) After verification of the applications for transfer, the data shall be computerised.

10. Preparation of Priority List:- (1) All the verified applications shall be arranged in the following order of priority, namely:-

- (a) Terminally ill cases of serious ailments;*
- (b) Persons who are due to retire on superannuation within two years;
- (c) Cases of physically disabled with more than 40% of disability as certified by District Medical Board;
- (d) Cases of widows;
- (e) Cases of husband and wife who are Government servants and whose cases are to be considered as per provisions of transfer guidelines issued by State Government;
- (f) Other Staff.

***Explanation:** Where a Government servant or his/her spouse or children are suffering from terminally ill cases of serious ailments, for which medical treatment is not available at his/her place of work and his/her transfer is necessary to a place where such a treatment is available so as to provide him/her the required medical treatment. However, no such transfer shall be made unless the concerned Government servant produces a certificate issued by the District Medical Board specifying the nature of ailment, stating the fact that the required treatment is not available at the place of present posting.

(2) Within each of the above priority categories, the priority list shall be prepared by multiplying the number of years of service by the applicant in all cadres in the places classified as Zone-A, Zone-B and rural area by the weighted ratio allotted to the respective zones as specified below to get the weighted service in years:-

- (a) **Zone A:** The completed number of years of service rendered in all cadres in Zone-A x 1.00.
- (b) **Zone B:** The completed number of years of service rendered in all cadres in Zone-B x 1.50.
- (c) **rural area:** The completed number of years of service rendered in all cadres in rural area x 2.00.

(3) The staff with more weighted service shall be considered above the staff with the lesser weighted service while preparing the priority list. In case of tie, the seniority of individual shall be taken into consideration. In case of tie in seniority also, the older in age shall be given precedence.

(4) The Competent Authority shall prepare the provisional priority list as explained above and the same shall be notified in the Notice Board and on the departmental website inviting objections within a period of seven days if any from the persons likely to be affected thereby. Immediately after the due date for the receipt of objections, all objections received shall be considered and the priority list be finalised.

11. General instructions regarding counselling:- (1) Initial appointment, promotion and transfers of Medical Officers and Other staff, shall be through computerised counselling.

- (2) All transfers shall be done only in the months of April and May of every year.

Provided that, in the case of transfers immediately after the commencement of these rules, such transfers shall be done within a period of three months from the date of commencement of these rules.

(3) Other transfers of staff who have not satisfactorily completed their probationary period shall not be considered.

- (4) All transfers shall be done to vacant posts only, except transfers under rules 4 and 5.

[5] The transfers of staff working on contract basis shall not be considered.

(6) The total number of transfers in a year including other transfers, except mutual transfers and transfers under rule 4 and rule 5, shall not exceed five percent of working strength in the respective cadre. Transfers in public interest shall not exceed two percent of the working strength in the respective cadre.

12. Mutual transfers.- (1) Applications for mutual transfers of Medical officers and other staff may be considered subject to satisfying the following conditions, namely:-

- (a) Both the staff shall together make specific request in writing for mutual transfer and also agree for the same in writing;
- (b) Both the staff shall have completed their probationary period and shall so declared;
- (c) Both the staff must have completed the specified minimum period of service in their respective places;
- (d) Both the staff must have completed specified compulsory rural service, if applicable;
- (e) While considering the mutual transfers of Specialists or Senior Specialists, care shall be taken to ensure no mismatch of specialisation happens as a result of such transfer.

(2) Mutual transfers shall also be done only in the months of April and May of every year.

(3) Mutual transfer shall be allowed only once in one's service. However, the same two officials who availed such facility cannot interchange their positions for the second time.

13. Procedure for Transfers through computerized counseling:- The candidates on the priority list shall be intimated about the date/s for counselling through Departmental website and press notes. On the date of counselling, the candidates shall be called in the order of priority and shall then be asked to choose any one of the vacant posts available at such session as displayed on the computer screen. If a candidate fails to turn up for counselling as per his turn at appropriate point of time, his claim shall be passed over and the next candidate in turn shall be called for the counselling. In case, the candidate whose claim has been passed over appears for counselling, such candidate may be considered for counselling at the end of the counselling session or at the end of the day's session whichever is earlier. In case of a candidate who fails to appear for counselling and also in case of a candidate who fails to make a choice at the time of the counselling, the Competent Authority may *suo-moto* consider and allot a vacancy at the end of the day's session.

14. Issue of orders.- The Competent Authority shall issue, a transfer order as per the choice of the candidate on the spot, duly deleting that vacancy from the list of vacancies and also incorporating the new vacancy caused due to such transfer order. The Competent Authority shall also issue transfer orders in respect of such of the candidates who failed to appear for counselling or failed to make selection during the counselling session, as per *suo- moto* allotment made at the time of counselling. Copies of such orders issued must be sent to the concerned authorities also.

15. Completion of counselling.- The process of transfers shall be continued till the specified upper limit of number of transfers is reached or till priority list is exhausted, whichever is earlier, within the time frame communicated by the competent authority.

16. Display of transfers effected.- The list of transfers effected, indicating the places of transfer against the names of the officers/officials so transferred, shall be displayed on the notice board of the Competent Authority as well as on the Departmental website, before the commencement of the counselling session on the next day .

17. Procedure to be followed in initial appointment through computerised Counselling.-

The initial appointment of candidates selected to any of the categories of posts of Medical Officer or Other Staff shall be made through computerized counselling in the following sequence, namely:-

- (a) Intimation to candidates to appear for counselling;
- (b) Notification of vacancies to be filled by the appointing authority;
- (c) Verification of the credentials of the selected candidates namely, qualification, medical certificate etc.,
- (d) Counselling of the candidates in the same order as in the select list;
- (e) In case a candidate either fails to appear for counselling or fails to make selection at the time of counselling, the Appointing Authority shall *suo moto* allot a vacancy at the end of the counselling;
- (f) Issue of appointment and posting orders to the selected candidates by the Appointing Authority.

18. Procedure in appointment by promotion through counselling.- The sequence of appointment by promotion through counselling shall be as follows, namely:-

- (a) Intimation to the candidates to appear for counselling;
- (b) Notification of vacancies to be filled by promotion;
- (c) Counselling of the candidates in the same order as in the select list. In case, a candidate either fails to appear for the counselling or fails to select a vacancy during the counselling session, the Appointing Authority shall *suo moto*, allot a vacancy for the posting of such candidate at the end of the counselling;
- (d) Issue of promotion and posting orders.

19. Relieving of transferred Medical officers and other staff.- The officers/officials, who are transferred on counselling, shall be relieved by the concerned Heads of Government Hospitals / Institutions immediately, but not later than seven days.

20. Responsibility of the officers.- The Competent Authority concerned shall ensure that the above rules are scrupulously followed while effecting transfers. If any Competent Authority makes or any Government Servant makes an order of posting or appointment or transfer in contravention of the provisions of these rules, such Competent Authority or the Government Servant as the case may be, shall be liable for disciplinary action attracting major penalty as per the provisions of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

By Order and in the name of the Governor of Karnataka,

Chikkegowda

Under Secretary to Government,
Health and Family Welfare Department.