



## Chief Secretary Transfer Issue

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### Why in News

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The **Central Government** may initiate disciplinary action against the **West Bengal Chief Secretary** after he failed to report to the **Department of Personnel and Training (DoPT)** in New Delhi as ordered earlier.

The **Appointments Committee of the Cabinet (ACC)** has approved the “placement of services” of Chief Secretary, as per provisions **Rule 6(1)** of the **Indian Administrative Service (cadre) Rules, 1954**.

The ACC is headed by the Prime Minister, and the Home Minister is the other member.

### Key Points

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- **Chief Secretary of State:**
  - **Appointment:**
    - The Chief Secretary is ‘**chosen**’ by the Chief Minister.
    - As the appointment of Chief Secretary is an executive action of the Chief Minister, it is taken in the name of the Governor of the State.
  - **Position:**
    - The post of Chief Secretary is the **senior-most position in the civil services** of the states and union territories of India.
    - The position is a cadre post for the **Indian Administrative Services**.
    - The Chief Secretary is the **chief advisor to the Chief Minister** in all matters of the cabinet.
  - **Tenure:**
    - The office of Chief Secretary has been excluded from the operation of the tenure system.
    - There is **no fixed tenure** for this post.

- **All India Services (AIS):**
  - **Pre Independence:**
    - The Indian Civil Service (ICS) was the senior most amongst the Services of the Crown in India.
    - Besides the ICS, there was also the Imperial Police.
  - **Post Independence:**
    - The need of All India Services for maintaining the unity, integrity and stability of the nation was felt after Independence.
    - **Constitutional Provisions:** Accordingly, a provision was made in **Article 312** of the Constitution for **creation of one or more All India Services common** to the Union and State.
    - The **Indian Administrative Service and the Indian Police Service** are deemed to be constituted by the Parliament in terms of **Article 312** of the Constitution.
    - After the promulgation of the Constitution, a **new All India Service**, namely, **the Indian Forest Service**, was created in 1966.
  - **Recruitment and Postings:**
    - The members of these services are recruited by the Centre, but their services are placed under various State cadres, and they have the **liability to serve both under the State and under the Centre**.
    - This aspect of the All India Services strengthens the **unitary character** of the **Indian federation**.
  - **Controlling Authority:**
    - The **Ministry of Personnel, Public Grievances and Pensions** is the cadre controlling authority for the IAS.  
      - The Union Home Ministry is the cadre controlling authority of IPS officers.
    - The recruitment to all the three services is made by the **Union Public Service Commission (UPSC)**.
    - These officers are recruited and trained by the Central Government, and then allotted to different State cadres.
  - **IAS Cadre Rules:**
    - After the All India Services Act, 1951 came into existence, the IAS cadre rules were framed in 1954.
    - **Deputation of Cadre Officers:** A cadre officer may, with the concurrence of the State governments concerned and the Central government, be deputed for service under the Central government or another State government.
    - **Scenario of Disagreement:** In case of any disagreement, the matter shall be decided by the Central government.  
      - The rule on deputation giving **more discretionary powers** to the Centre was added in May 1969.

- **Extension of Service:**
  - **Rule 16(1) of DCRB (Death-cum-Retirement Benefit) Rules** says that “a member of the Service dealing with budget work or working as a full-time member of a Committee which is to be wound up within a short period may be given extension of service for a period not exceeding three months in public interest, with the prior approval of the Central Government”.
  - For an **officer posted as Chief Secretary of a state**, this extension can be for **six months**.
- **Precedence in Deputation:**
  - **Concurrence Required:** Before any officer of AIS is called for deputation to the Centre, his or her concurrence is required.
  - **Procedure:** The Establishment Officer in DoPT invites nominations from State governments.
    - Once the nomination is received, their eligibility is scrutinised by a panel and then an offer list is prepared, traditionally done with the State government on board.
    - Central Ministries and offices can then choose from the list of officers on offer.
  - **Course of Action on Refusal of Order:**
    - The **All India Services (Discipline and Appeal) Rules, 1969** are not clear on the punishment in such cases.
    - **Penalising Authority:** Rule 7 says, the authority to institute proceedings and **to impose penalty will be the State government** while he or she was “serving in connection with the affairs of a State.”

Source: TH