

**The Nagaland Government Servant
(Transfer and Posting) Act 2009. (Act No.9 of 2009)**

Received the assent of the Governor of Nagaland on 14/11/2009 and published
in the Nagaland Gazette Extraordinary dated :8th of December,2009.

An
-Act-

To regulate the transfer and posting of Government Servant to Ex-Cadre posts.

Be it enacted in the sixtieth year of the Republic of India as follows:

1. Short Title ,Extend & Commencement;

- (1) This Act may be called the Nagaland Servant (Transfer and Posting) Act,2009.
- (2) it shall extend to the whole of the State of Nagaland
- (3) It shall come into force with effect from the date of its publication in the Official Gazette.

2. Power to transfer Government Servant to Ex-Cadre post.

Notwithstanding anything contained in the service rules of various Departments of the Government of Nagaland, the Government of Nagaland shall have the power to transfer any Government servant, and to post him against any ex-cadre post ,in any Government Department, Public Sector undertaking, Corporation or Company, owned by the State Government ,subject to the following conditions:

- (i) that the ex-cadre post against which the Government servant is posted is not lower in terms of rank and pay scale, than the post he/she is holding in a substantive capacity;
- (ii) that the posting is done, either with the consent of the Government Servant concerned or with the recommendation of the Civil Service Board, consisting of the following :-

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| (1) Chief Secretary | - Chairman |
| (2) Secretary incharge of Home Department | - Member |
| (3) Commissioner, Nagaland | - Member |
| (4) Secretary in charge of P & AR | - Member |
| | Secretary |

3. Power to make rules:

The state Government may by notification, make rules for carry out the purpose of this Act.

4. Power to remove difficulties.

- (i) If any difficulty or doubt arises in giving effect to the provision of this Act, the State Government may, by order published in the Nagaland Gazette, make such provisions, not inconsistent with the purpose of this Act as has appears to it to be necessary or expedient for the removal of the difficulty and doubt the order of the state Government in such cases shall be final.
- (ii) Every order made under this section shall be laid as soon as may be after it is made, before the assembly. In case the Assembly agree in making any modification in the order or the assembly agree that the order should be made, the order shall thereafter have effect only in such modified form or be of no effect as the case may be, without prejudice to the validity of anything previously done under the order.