

No.22011/6/2013-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi
Dated the 28th May, 2014

OFFICE MEMORANDUM

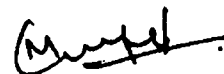
Subject: - Eligibility of officers to be considered for promotion by DPC- Fixing of Crucial Date - Regarding.

The undersigned is directed to invite reference to the Department of Personnel and Training's Office Memorandum No. 22011/3/98-Estt(D) dated September 17, 1998 regarding subject mentioned above, which provides that the crucial date for determining eligibility for promotion in case of financial year-based vacancy year would fall on January 1, immediately preceding such vacancy year and in case of calendar year-based vacancy year also, the first day of the vacancy year i.e. 1st January itself would be the crucial date.

2. In case of financial year-based vacancy year, there is a clear gap of 3 months between the crucial date of eligibility and the date of commencement of vacancy year i.e. between January 1 and April 1. Due to this gap, for any such vacancy year, even if the Departmental Promotion Committee (DPC) meeting is held in time as per the Model Calendar, there is always a possibility of few officers not fulfilling the eligibility criteria as on the crucial date of eligibility, though they are fulfilling the same as on the date of commencement of the vacancy year.

3. The matter has been examined in consultation with Union Public Service Commission. It has been decided that the crucial date of eligibility shall be 1st April of the vacancy year in case of financial year based vacancy year i.e. where the Annual Performance Appraisal Reports (APARs) are written financial year-wise. In case of calendar year based vacancy year, i.e. where APARs are written calendar year-wise, the crucial date of eligibility shall remain as 1st January of the vacancy year. These instructions shall come into force in respect of vacancy year 2015-16 (financial year) commencing from April 1, 2015 and vacancy year 2015 (calendar year) commencing from January 1, 2015 and shall, accordingly, be applicable to all such subsequent vacancy years.

4. These instructions shall be applicable to all services/posts. All Ministries/Departments are requested to bring these instructions to the notice of all concerned including attached and subordinate offices.



(Mukta Goel)
Director(E-I)
Tele. No. 23092479

All Ministries/Departments of the Government of India.

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Vice-president's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat, New Delhi.
6. The Lok Sabha Secretariat, New Delhi.
7. The Comptroller and Auditor General of India, New Delhi.
8. The Secretary, Union Public Service Commission, New Delhi
9. The Staff Selection Commission, New Delhi.
10. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. All Officers and Sections in the Department of Personnel and Training.
12. Establishment(D) Section, DoP&T **(10 copies)**
13. NIC for updation on the website.



(Mukta Goel)
Director(E-I)
Tele. No. 23092479

OFFICE MEMORANDUM

Subject: Promotion of Government servants against whom disciplinary/court proceedings are pending or whose Conduct is under investigation - Procedure and guidelines to be followed.

O.M.No.
39/3/59-Estt.A dt.31.8.60
7/28/63-Estt.A dt.22.12.64
22011/3/77-Estt.A
dt.14.7.77
22011/1/79-Estt.A
dt.31.1.82
22011/2/86-Estt.A
dt.12.1.88
22011/1/91-Estt.A
dt.31.7.91.

Cases of Government Servants to whom Sealed Cover Procedure will be applicable.

Procedure to be followed by DPC in respect of Government servants under cloud.

Procedure by subsequent DPCs.

Action after completion of disciplinary case/criminal prosecution.

Six Monthly review of "Sealed Cover" cases.

The undersigned is directed to refer to Department of Personnel & Training OM No.22011/2/86-Estt.(A) dated 12th January, 1990 and subsequent instructions issued from time to time on the above subject and to say that the procedure and guidelines to be followed in the matter of promotion of Government servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation have been reviewed carefully. Government have also noticed the judgement dated 27.08.1991 of the Supreme Court in Union of India etc. vs. K.V. Jankiraman etc. (AIR 1991 SC 2010). As a result of the review and in supersession of all the earlier instructions on the subject (referred to in the margin), the procedure to be followed in this regard by the authorities concerned is laid down in the subsequent paras of this OM for their guidance.

2. At the time of consideration of the cases of Government servants for promotion, details of Government servants in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee:-

- i) Government servants under suspension;
- ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- iii) Government servants in respect of whom prosecution for a criminal charge is pending.

2.1 The Departmental Promotion Committee shall assess the suitability of the Government servants coming within the purview of the circumstances mentioned above alongwith other eligible candidates without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the DPC, including 'Unfit for Promotion', and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed 'Findings regarding suitability for promotion to the grade/post of in respect of Shri (name of the Government servant). Not to be opened till the termination of the disciplinary case/criminal prosecution against Shri'. The proceedings of the DPC need only contain the note 'The findings are contained in the attached sealed cover'. The authority competent to fill the vacancy should be separately advised to fill the vacancy in the higher grade only in an officiating capacity when the findings of the DPC in respect of the suitability of a Government servant for his promotion are kept in a sealed cover.

2.2 The same procedure outlined in para 2.1 above will be followed by the subsequent Departmental Promotion Committees convened till the disciplinary case/criminal prosecution against the Government servant concerned is concluded.

3. On the conclusion of the disciplinary case/criminal prosecution which results in dropping of allegations against the Govt. servant, the sealed cover or covers shall be opened. In case the Government servant is completely exonerated, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior-most officiating person. He may be promoted notionally with reference to the date of promotion of his junior. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion, and if so to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceeding/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal, are, for example delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.

3.1 If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him.

3.2 It is also clarified that in a case where disciplinary proceedings have been held under the relevant disciplinary rules, 'warning' should not be issued as a result of such proceedings. If it is found, as a result of the proceedings, that some blame attaches to the Government servant, at least the penalty of 'censure' should be imposed.

4. It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any Government servant is not unduly prolonged and all efforts to finalise expeditiously the proceedings should be taken so that the need for keeping the case of a Government servant in a sealed cover is limited to the barest minimum. It has, therefore, been decided that the appointing authorities concerned should review comprehensively the cases of Government servants, whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first Departmental Promotion Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be

Procedure for ad-hoc promotion.

done subsequently also every six months. The review should, *inter alia*, cover the progress of disciplinary proceedings/criminal prosecution and the further measures to be taken to their completion.

5. In spite of the six monthly review referred to in para 4 above, there may be some cases where disciplinary case/ criminal prosecution against the Government servant is not concluded even after of two years from the date of the meeting of the first DPC, which kept its findings in respect of the Government servant in a sealed cover. In such a situation the appointing authority may review the case of the Government servant, provided he is not under suspension, to consider the desirability of giving him *ad-hoc* promotion, keeping in view the following aspects:-

- a) Whether the promotion of the officer will be against public interest;
- b) Whether the charges are grave enough to warrant continued denial of promotion;
- c) Whether there is any likelihood of the case coming to a conclusion in the near future;
- d) Whether the delay in the finalisation of proceedings, departmental or in a court of law, is not directly or indirectly attributable to the Government servant concerned; and
- e) Whether there is any likelihood of misuse of official position which the Government servant may occupy after *ad-hoc* promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

The appointing authority should also consult the Central Bureau of Investigation and take their views into account where the departmental proceedings or criminal prosecution arose out of the investigations conducted by the Bureau.

5.1 In case the appointing authority comes to a conclusion that it would not be against the public interest to allow *ad-hoc* promotion to the Government servant, his case should be placed before the next DPC held in the normal course after the expiry of the two year period to decide whether the officer is suitable for promotion on *ad-hoc* basis. Where the Government servant is considered for *ad-hoc* promotion, the Departmental Promotion Committee should make its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecution against him.

5.2 After a decision is taken to promote a Government servant on an *ad-hoc* basis, an order of promotion may be issued making it clear in the order itself that:-

- i) the promotion is being made on purely *ad-hoc* basis and the *ad-hoc* promotion will not confer any right for regular promotion; and
- ii) the promotion shall be "until further orders". It should also be indicated in the orders that the Government reserve the right to cancel the *ad-hoc* promotion and revert at any time the Government servant to the post from which he was promoted.

5.3 If the Government servant concerned is acquitted in the criminal prosecution on the merits of the case or is fully exonerated in the departmental proceedings, the *ad-hoc* promotion already made may be confirmed and the promotion treated as a regular one from the date of the *ad-hoc* promotion with all attendant benefits. In case the Government servant could have normally got his regular promotion from a date prior to the date of his *ad-hoc* promotion with reference to his placement in the DPC proceedings kept in the sealed cover(s) and the actual date of promotion of the person ranked immediately junior to him by the same DPC, he would also be allowed his due seniority and benefit of notional promotion as envisaged in para 3 above.

5.4 If the Government servant is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher court or to proceed against him departmentally or if the Government servant is not exonerated in the departmental proceedings, the *ad-hoc* promotion granted to him should be brought to an end.

6. The procedure outlined in the preceding paras should also be followed in considering the claim for confirmation of an officer under suspension, etc. A permanent vacancy should be reserved for such an officer when his case is placed in sealed cover by the DPC.

7. A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 2 above arise after the recommendations of the DPC are received but before he is actually promoted, will be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in this OM will be applicable in his case also.

8. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

9. Hindi version will follow.


(M.S. BALI)
DIRECTOR


To

All Ministries and Departments of the Government of India with usual number of spare copies.

No. 22011/4/91-Estt(A) Dated the 14th Sept., 1992.

Copy forwarded for information to:-

1. Central Vigilance Commission, New Delhi.
2. Central Bureau of Investigation, New Delhi.
3. Union Public Service Commission, New Delhi.
4. Comptroller and Auditor General, New Delhi.
5. President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat and Prime Minister's Office.
6. Chief Secretaries of All States and Union Territories.
7. All Officers and Administrative Sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.


(M.S. BALI)
DIRECTOR

Sealed cover procedure for confirmation.

Sealed cover procedure applicable to officers coming under cloud after holding of DPC but before promotion.

/CONFIDENTIAL/

NO.AN/XI/11060/Sr.Aud. Vol.II (Dec 78)

OFFICE OF THE C.G.D.A.
WEST BLOCK V RK PURAM
NEW DELHI-66

DATED 7 NOV.89

To

All CsDA
including Chief CDA(P)Allahabad.
Chief Controller of Accounts(Fys)Calcutta,
Jt.CDA(Funds)Meerut.

Sub : Criteria for Promotion vis-a-vis orders of reservation etc. of Scheduled Caste and Scheduled Tribe Employees.


Ref : This Office Confidential Circular No.0636/AN/D-IV dt.22.08.73.

In this HQR Confidential Circular referred to above, it was clarified that when persons belonging to reserved categories are found to be not fulfilling the criteria prescribed, instead of declaring them unfit on consideration like their last two reports being adverse, the local promotion committee should go into the various aspects of their cases, including the nature of adverse remarks, earlier records of the individuals etc. to arrive at an overall view as to whether they should be considered fit for promotion/confirmation inspite of the adverse remarks.

2. Cases have come to notice of this HQR wherein, while adjudicating the cases of persons belonging to Scheduled Caste/Scheduled Tribe Employees for their promotion/confirmation CsDA have not implemented the above instructions in their true spirit. Some CsDA appear to be under the impression that the general guidelines issued on the criteria for determining suitability for promotion to and confirmation in class-III/Class-IV posts vide this HQR circular letter No.0632/AN-F dated 04.12.73 have superseded the instructions issued on the subject referred to above vide HQR circular dt. 22.08.73. This is not correct. In this connection it would be seen that in para 1 of HQR circular dt.22.08.73 it has clearly been stated that various orders on the representation of SC/ST employees in Service were in relaxation of the general orders and that the relaxed standards or special consideration mentioned in those orders, were to be viewed as exceptions to the general rules. It was, therefore, stressed that special dispensations as admissible under various Govt.orders could, therefore, be meted out to the SC/ST Employees while implementing the departmental instructions issued from time to time.

3. CsDA are, therefore, requested that in future while adjudicating the cases of these categories of individuals the guidelines given in this HQR Confdl.Circular letter dated 22.08.73 are applied rigidly.

Please acknowledge receipt.


(R.M.S. LIBERHAN)
DY.C.G.D.A.(ADMIN)

Confidential

No. 0635/AN/D-IV
Office of the
Controller General of Defence Accounts
West Block-V, R.K. Puram,
New Delhi-22.

Dated the 22th Aug 1973.

To
All Controllers of Defence Accounts
(including JCDA (Funds) Meerut)

Sub :- Criterion for promotion vis-a-vis orders
of reservation etc. of Scheduled Caste
and Scheduled Tribe employees.

Ref :- This Office confidential Circular No. 0635/
AN/D-IV dated 25.4.73.

In this office circular quoted above it
was clarified that various orders on the
representation of Scheduled Caste and Scheduled
Tribe employees in services ^{were} are in relaxation of
the general orders and ^{that} whatever ^{are} relaxed standards
or special consideration mentioned in those orders,
they are ^{were} in the nature of exceptions to the general
rules. It was therefore stressed that special
dispensations as admissible under various Government
Orders could, therefore, be meted out to the Schedul
Caste/Scheduled Tribe employees while implementing
the departmental instructions issued from time to
time.

2. ^{been asked him whether} We have further examined the matter. It
~~has been decided that the general criteria of promo-~~
tion laid down ^{by} us from time to time may be departed
from in the case of candidates belonging to Scheduled
Caste and Scheduled Tribe employees. When persons
belonging to these reserved communities are found
to be not fulfilling the criteria prescribed, instead
of declaring them unfit on considerations like their
last two reports being adverse, the local Promotion
Committee should go into the various

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the individuals etc to arrive at an overall view as to whether they should be considered fit for promotion/confirmation inspite of the adverse remarks.

3. It is also requested that all cases of suppression of Scheduled Caste/Scheduled Tribe candidates should be personally reviewed by the CDA in terms of our circular No. 15071/AN/D-II dated 5.6.68 before they are finalised and copies of CRs for the last five years and self contained report may please be furnished along with the adjudication Board proceedings as requested vide our latest circular No. 15071/AN/D-III dated 30.3.1972.

Please acknowledge receipt of this circular

[Signature]
By C.G.D.A

Copy to G' Section (Local) and Dr/P' Group (Local)
② AM/F (Local)

[Signature]
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CONFIDENTIAL

No. 0632/AN-F
Office of the
Controller General of Defence Accounts
New Delhi-110022, the 4th December 73.

To

All Controllers of Defence Accounts
(including Jt CDA (Funds) Meerut)

Subject:- Criteria for determining suitability
for promotion to and confirmation in
Class III/Class IV posts - revision of.

Reference this office confidential circular No 0632/AN/F
dated 10.10.1972.

The revised criteria for adjudicating of individual's fitness or otherwise for promotion to and within Class III/Class IV posts as also for confirmation in these grades are set out in this office circular No 0632/AN/F dated 10.10.72.

It had been represented to this office that the existing provision in our above quoted circular for determining suitability or otherwise for promotion and confirmation in class III and Class IV posts operated harshly and calls for liberalisation. This point was discussed in the Controllers' conference held in 11/73. It has, in consequence, been decided that in partial modification of this office circular dated 10.10.72 mentioned above, the following criteria for adjudication of the fitness or otherwise for promotion to and within Class III/Class IV posts as also confirmation in these grades will be adopted hereafter:-

- (i) The last three Annual Confidential reports would be considered;
- (ii) Out of the above three reports, the latest should be clear and free from any adverse remark;
- (iii) If the other two reports both contain adverse remarks, the individual will not be recommended 'fit' for promotion/confirmation. If, however, only one of the two remaining reports contain adverse remarks, the Local Promotion Committee will base its recommendations on the overall record of the individual.

contd... 2/-

(4)

3. The receipt of this communication may please be acknowledged.

C.V. Nagendra
(C.V. Nagendra)
Deputy Controller General of Defence Accounts
M/4/12

Copy to:

- 1 'General' Section (local)
- 2 'D' Group of AN Section
- 3 Other Groups in AN Section
- 4 File No 23019(1)/67/AN-F and
No 28013(4)/70/AN-F
- 5 Spare (15)

Thomas Matthew
(Thomas Matthew)

Asstt Controller General of Defence Accounts (AN)
M/4/12

V

/CONFIDENTIAL/

NO. AN/XI/11060/I/Vol.IV

OFFICE OF THE C.G.D.A.
WEST BLOCK V RK PURAM
NEW DELHI-66

DATED 18 SEPT.'89

To

All CsDA
Chief C of A (Fys) Calcutta.
Chief CDA (P) Allahabad.
Jt. CDA (Funds) Meerut.

Sub : Criteria for determining suitability for promotion to and confirmation in Class III & Class IV (New Gp. C and D) posts.

CsDA are requested to refer to this HQrs Confidential circular No. 0632/AN-F dated 04.12.73 on the above subject which provides that the following criteria for adjudication of the fitness or otherwise for promotion/confirmation in Gp. C & D will be adopted :

- i) The last three Annual Confidential Reports would be considered.
- ii) Out of the above three reports the latest should be clear & free from any adverse remark.
- iii) If the other two reports both contain adverse remarks, the individual will not be recommended fit for promotion/confirmation. If, however, only one of the two remaining reports contain adverse remarks, the local promotion committee will base its recommendation on the overall record of the individual.

Certain CsDA have raised the point as to how to treat an ACR for a particular year which has not been written/left blank due to long absence of an individual out of the three effective ACRs. The matter has been examined in this HQrs & it has been decided in consultation with DP&Trg. that where due to long absence of an individual no ACR could be written for a substantial period, DPC should adjudicate his/her case on the basis of overall record of his service subject further that other conditions as stipulated in our circular dated 04.12.73 are satisfied.

Please acknowledge receipt.

R. S. Singh
DY. C.G.D.A. (ADMIN)

8/19/89

No. 28020/1/2010-Estt(C)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

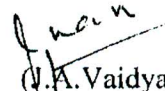
North Block, New Delhi
Dated the 21st July, 2014

OFFICE MEMORANDUM

Subject: Consolidated Instructions on Probation/Confirmation in Central Services - regarding.

The undersigned is directed to say that this Department has been issuing instructions/guidelines from time to time laying down principles to be followed in probation/confirmation of persons appointed to services and posts in Central Government. All such instructions issued till date have been consolidated under easily comprehensible headings for the facility of reference and placed as Annexure to this O.M. The number and date of the original O.M's has been referred in the relevant instructions for easy reference in the context. All Ministries/ Departments are requested to bring the above guidelines to the notice of all concerned.

2. There may be posts in various Ministries/Departments/Organizations where the norms specified in the Recruitment Rules are different from those prescribed in the Annexure. In such cases, the norms specified in those Recruitment Rules shall prevail.
3. Hindi version will follow.


(J. A. Vaidyanathan)
Director (Establishment)
Telefax: 23093179

To
All Ministries/ Departments.

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Secretary, Union Public Service Commission, New Delhi.
10. The Secretary, Staff Selection Commission, New Delhi.
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
12. National Commission for Scheduled Castes, New Delhi.
13. National Commission for Scheduled Tribes, New Delhi.
14. National Commission for OBCs, New Delhi.
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Center, DOP&T (20 copies)
- ✓ 19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
20. Establishment Section (100 copies).

PROBATION AND CONFIRMATION

A person is appointed on probation in order to assess his suitability for absorption in the service to which he has been appointed. Probation should not, therefore, be treated as a mere formality. No formal declaration shall be necessary in respect of appointment on probation. The appointing authority may declare successful completion, extend the period of probation or terminate the services of a temporary employee on probation, on the basis of evaluation of performance.

2. Probation is prescribed when there is direct recruitment, promotion from one Group to another or for officers re-employed before the age of superannuation. The probation shall stand successfully completed on issue of orders in writing. It is, however, not desirable that a Government servant should be kept on probation for long periods.

PERIOD OF PROBATION

3. The period of probation is prescribed for different posts/services in Central Government on the following lines:

S. No.	Method of appointment	Period of probation
PROMOTION		
1	Promotion from one grade to another but within the same group of posts e.g. from Group 'C' to Group 'C'	No probation.
2	Promotion from one Group to another e.g. Group 'B' to Group 'A'	2 years or the period of probation prescribed for the direct recruitment to the post, if any.

DIRECT RECRUITMENT		
3	(i) For direct recruitment to posts except clause (ii) below (ii) For direct recruitment to posts carrying a Grade Pay of Rs. 7600 or above or to the posts to which the maximum age limit is 35 years or above and where no training is involved; Note: Training includes 'on the job' or 'Institution training'	2 years 1 year
4	Officers re-employed before the age of superannuation.	2 years
5	Appointment on contract basis, tenure basis, re-employment after superannuation and absorption	No probation.

[DoPT OM No. 21011/2/80-Estt.(C) dated 19.05.1983 and
OM No. AB.14017/5/83-Estt.(RR) dated 07.05.1984]

* As per revised pay scale of CCS(Revised Pay) Rules,2008.

(A) DIRECT RECRUITMENT

If a Government servant is appointed to another post by direct recruitment either in the same department or a different department, it may be necessary to consider him for confirmation in the new post in which he has been appointed by direct recruitment irrespective of the fact that the officer was holding the earlier post on a substantive basis. Further confirmation in the new entry grade becomes necessary because the new post may not be in the same line or discipline as the old post in which he has been confirmed and the fact that he was considered suitable for continuance in the old post (which was the basis for his confirmation in that post) would not automatically make him suitable for continuance or confirmation in the new post the job requirements of which may be quite different from those of the old post.

[OM No. 18011/3/88-Estt(D) dated 24.09.1992]

(B) PROMOTION

- (i) Persons who are inducted into a new service through promotion shall also be placed on probation but there shall be no probation on promotion from one grade to another but within the same group of posts, except when the promotion involves a change in the Group of posts in the same service, e.g., promotion from Group 'B' to Group 'A' in which case the probation would be for the prescribed period.

[OM No. 21011/2/80-Estt.(C) dated 19.05.1983]

- (ii) If the recruitment rules do not prescribe any probation, an officer appointed on regular basis (after following the prescribed DPC procedure, etc.) will have all the benefits that a person confirmed in that grade would have.

[OM No. 18011/1/86-Estt.(D) dated 28.03.1988]

- (iii) There shall be no probation in the cases for appointment on contract basis, tenure basis, re-employment after superannuation and absorption.

[OM No. 21011/2/80-Estt.(C) dated 19.05.1983]

PROGRESS DURING PROBATION

4. Instead of treating probation as a formality, the existing powers to discharge probationers should be systematically and vigorously used so that the necessity of dispensing with the services of employees at later stages may arise only rarely.

5. Concentration of attention on the probationer's ability to pass the probationary or the departmental examination, if applicable, should be an essential part of the qualification for confirmation but there should be a very careful assessment of the outlook, character and aptitude for the kind of work that has to be done in the service before a probationer is confirmed.

6. A probationer should be given an opportunity to work under more than one officer during this period and reports of his work obtained from each one of those officers. The probation reports for the whole period may then be considered by a Board of senior officials for determining whether the probationer concerned is fit to be confirmed in service. For this purpose, separate forms of report on the probationers should be used, which are distinct from the usual Annual Performance Appraisal Report (APAR) forms. The probation reports, unlike APAR, are written to help the supervising officer to concentrate on the special needs of probation and to decide whether the work and conduct of the officer during the period of probation or the extended period of probation are satisfactory enough to warrant his further retention in service or post. The probation reports thus do not serve the purpose for which the APARs are written and vice versa. Therefore, in the case of all probationers or officers on probation, separate probation reports should be written in addition to the usual APARs for the period of probation.

7. Save for exceptional reasons, probation should not be extended for more than a year and in no circumstance an employee should be kept on probation for more than double the normal period.

8. A probationer, who is not making satisfactory progress, should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement. This can be done by giving him a written warning to the effect that his general performance has not been such as to justify his confirmation and that, unless he showed substantial improvement within a specified period, the question of discharging him would have to be considered. Even though this is not required by the rules, discharge from the service being a severe, final and irrevocable step, the probationer should be given an opportunity before taking the drastic step of discharge.

[OM No. F.44/1/59-Ests(A) dated 15.04.1959,

9. During the period of probation, or any extension thereof, candidates may be required by Government to undergo such courses of training and instructions and to pass examinations, and tests (including examination in Hindi) as Government may deem fit, as a condition to satisfactory completion of the probation.

TERMINATION OF PROBATION

10. The decision whether an employee should be confirmed or his probation extended should be taken soon after the expiry of the initial probationary period, that is within six to eight weeks, and communicated to the employee together with the reasons in case of extension. A probationer who is not making satisfactory progress or who shows himself to be inadequate for the service in any way should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement.

[OM No. F.44/1/59-Ests(A) dated 15.04.1959]

11. On the expiry of the period of probation, steps should be taken to obtain the assessment reports on the probationer to: -

- (i) Confirm the probationer/issue orders regarding satisfactory termination of probation, as the case may be, if the probation has been completed to the satisfaction of the competent authority; or
- (ii) Extend the period of probation or discharge the probationer or terminate the services of the probationer as the case may be, in accordance with the relevant rules and orders, if the probationer has not completed the period of probation satisfactorily.

[OM No. 21011/2/80-Estt.(C) dated 19.05.1983]

12. In order to ensure that delays do not occur in confirmation, timely action must be initiated in advance so that the time limit is adhered to.

[OM No. 18011/2/98-Estt.(C) dated 28.08.1998]

13. If it appears to the Appointing Authority, at any time, during or at the end of the period of probation that a Government servant has not made sufficient use of his opportunities or is not making satisfactory progress, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he holds a lien thereon or in other cases may discharge or terminate him from service.

14. A Probationer reverted or discharged from service during or at the end of the period of probation shall not be entitled to any compensation.

EXTENSION OF PROBATION PERIOD

15. If during the period of probation, a probationer has not undergone the requisite training course or passed the requisite departmental examinations prescribed (proficiency in Hindi, etc.), if any, the period of probation may be extended by such period or periods as may be necessary, subject to the condition that the total period of probation does not exceed double the prescribed period of probation.

16. The Appointing Authority may, if it so thinks fit, extend the period of probation of a Government servant by a specified period but the total period of probation does not exceed double the normal period. In such cases, periodic reviews should be done and extension should not be done for a long period at one time.

17. Where a probationer who has completed the period of probation to the satisfaction of the Central Government is required to be confirmed, he shall be confirmed in the Service/ Post at the end of his period of probation, having been completed satisfactorily.

LEAVE TO PROBATIONER, A PERSON ON PROBATION

18. A person appointed to a post on probation shall be entitled to leave under the rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post. Where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave as a permanent Government servant.

19. The period of joining time availed of by a probationer on return from leave should be counted towards the prescribed period of probation if but for the leave, he would have continued to officiate in the post to which he was appointed.

20. If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend –

- (i) beyond the date on which the probation period as already sanctioned or extended expires, or
- (ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

[Rule 33 CCS(Leave) Rules 1972]

CONFIRMATION

21. If, during the period of probation or any extension thereof, as the case may be Government is of the opinion that an officer is not fit for permanent appointment, Government may discharge or revert the officer to the post held by him prior to his appointment in the service, as the case may be.

22. Confirmation will be made only once in the service of an official which will be in the entry grade post/service/cadre provided further confirmation shall be necessary when there is fresh entry subsequently in any other post/service/cadre by way of direct recruitment or otherwise. Confirmation is de linked from the availability of permanent vacancy in the grade. In other words, an officer who has successfully completed the probation, as prescribed under relevant rules, may be considered for confirmation. A specific order of confirmation will be issued when the case is cleared from all angles.

[OM No. 18011/1/86-Estt.(D) dated 28.03.1988]

23. On satisfactory completion of the period of probation or extension thereof, the Government may confirm a temporary Government servant to his appointment from the date of completion of the period of his probation or extension thereof.

[OM No. 18011/1/86-Estt.(D) dated 28.03.1988]

24. The date from which confirmation should be given effect to is the date following the date of satisfactory completion of the prescribed period of probation or the extended period of probation, as the case may be. The decision to confirm the probationer or to extend the period of probation as the case may be should be communicated to the probationer normally within 6 to 8 weeks. Confirmation of the probationer after completion of the period of probation is not automatic but is to be followed by formal orders. As long as no specific orders of confirmation or satisfactory completion of probation are issued to a probationer, such a probationer shall be deemed to have continued on probation.

[OM No. 21011/2/80-Estt.(C) dated 19.05.1983]

25. Where probation on promotion is prescribed, the appointing authority will on completion of the prescribed period of probation assess the work and conduct of the officer himself and in case the conclusion is that the officer is fit to hold the higher grade, he will pass an order declaring that the person concerned has successfully completed the probation. If the appointing authority considers that the work of the officer has not been satisfactory or needs to be watched for some more time he may revert him to the post/service/cadre from which he was promoted, or extend the period of probation, as the case may be.

[OM No. 18011/1/86-Estt.(D) dated 28.03.1988]

26. Since there will be no confirmation on promotion before an official is declared to have completed the probation satisfactory, a rigorous screening of his performance should be made and there should be no hesitation to revert a person to the post or grade from which he was promoted if the work of the officer during probation has not been satisfactory.

[OM No. 18011/1/86-Estt.(D) dated 28.03.1988]

27. A Government servant appointed by transfer would duly have been confirmed in the earlier post. In such a case further confirmation in the new post would not be necessary and he could be treated as permanent in the new post. Where, however, a Government servant who has not already been confirmed in the old post is appointed by transfer, it would be necessary to confirm him in the new post. In such cases, he may be considered for confirmation after watching him for two years. Within that period of two years, the officer would earn two reports in the new grade and the DPC may consider his case for confirmation on the basis of these APARs.

[OM No. 18011/3/88-Estt(D) dated 24.09.1992]
