

Kerala Gazette No. 38 dated 24th Septmeber 1968.

PART I

GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES – PROBATION - RULES/ORDERS - CLARIFICATION ISSUED.

PUBLIC (RULES) DEPARTMENT

G.O. (MS.) NO. 285/68/PD.

Dated, Trivandrum, 11th September 1968.

Read :- 1. G.O.(P) NO. 467, Public (Rules) Department dated 15-6-1965.
2. G.O. (MS) NO. 188, Public (Rules) Department dated 6-5-1966.
3. Letter No. A II (3)- 34778/67/ dated 23-3-31968 from the Secretary,
Public Service Commission.

ORDER

Special rules for some of the serviceS in the State have been issued and those for the rest are yet to be issued. Provision for probation has been made in the Special Rules already issued.. Pending issue of the Kerala Ministerial Subordinate Service Rules, Probation has been prescribed in the G.O. first read above for the Members of the Ministerial Subordinate Service who are governed by T.C. Rules. In the G.O. read as second paper above probation has been prescribed for officers belonging to T.C. Service and those appointed on or after 1-11-1956 in the serviceS for which Special Rules have not been issued.

The question whether probation can be made obligatory with retrospective effect in view of the protection contemplated in Rule 35 (a) of the General Rules has been engaging the attention of Government.

Government have carefully considered the various aspects of the question with reference to the provisions contained in the General Rules. They are advised that probation prescribed will be obligatory only from the date of the orders/ rules prescribing such probation unless otherwise stipulated in the appointment order. The condition regarding probation will not therefore be applicable to an officer in respect of a post (or category of posts) to which he was appointed by direct recruitment or by transfer from any other service before the issue of the orders or rules prescribing the period of probation.

The position of officers appointed to a post by promotion form a lower category in the service as slightly different. The condition regarding satisfactory completion of probation in a category of post to which an officer is appointed by promotion has been prescribed in Rule 28 (a) (ii) of the General Rules vide G.O. (p) 385/66/Public dated 30-9-1966. Prior to the introduction of Rules 28 (a) (ii), the position was that even if Special Rules prescribed probation for members of a service appointed by promotion, a person holding a post in a category can be promoted to the next higher category without insisting on probation unless the State Government declare that the promotion involves the assumption of duties and responsibilities of greater importance than those attaching to

the class or category from which promotion is to be made -Vide Rule 28 (c) of the General Rules. Such specific orders had been issued by Government only in respect of the post of Assistant Professors, Associate Professors, Professors, Principals and Directors of the Dental and Medical Colleges- vide G.O. MS. 864/66/HLD dated 21-11-1966. Rule 28 (c) was later on deleted by G.O. (P) NO. 297/PD dated 6-9-1967. The benefit of Rules 28 (c) has to be allowed to the Officers concerned till it was deleted on 6-9-1967. The condition regarding probation will not therefore be applicable to an officer in respect a post if he had been appointed there to by promotion on or after 6-9-1967. Officers appointed to a post by promotion on or after 6-9-1967 have to undergo probation as laid down in the rules. The above position is not applicable to the teaching staff of the Medical and Dental Colleges in respect of whom separate orders will be issued from Health Department.

Government also direct that all promotions already made on the ground that probation should be deemed to have been prescribed with retrospective effect, even though there is no specific provision in the rules or orders to that effect, should be reviewed and cases of persons who have been denied promotions on the above ground should be reconsidered in the light of the above position.

By order of the Governor,
S. ANANTHAKRISHNAN,
Secretary

To

All Heads of Departments and Offices
All Departments of the Secretariat
The Secretary, Public Service Commission (with C.L)
The Secretary, Vigilance Commission (with C.L)
The Secretary, Kerala State Electricity Board (with C.L)
The Registrar, High Court, Ernakulam (with C.L)
The Registrar, University of Kerala (with C.L)
The General Manager, Kerala State Road Transport Corporation (with C L)
The Manager, 'Kerala Service' Kozhikode (with C L)
The Advocate General, Ernakulam. (with C L)
The Accountant General (with C L)
All Officers of the Secretariat of and above the rank of the Secretary
The Secretary to the Governor
The Private Secretaries to the Chief Minister and other Ministers
The Stenographer to the Chief Secretary/Additional Chief Secretary
The Health Department . They may be requested to make suitable modifications
to
G.O. (MS) 637/67/HLD dated 16-11-1967