

**CIRCULAR NO.7003/Spl.A3/82/GAD. Dated 2.12.1983 from General Admn
Department, government of Kerala Trivandrum.**

Sub:- Public Services – Probationers – Appointment as full members of the service and declaration of satisfactory completion of probation – Need for timely action- Instructions.

The Probation rules in respect of All India Service Officers and the rules relating to probation contained in the Kerala State and subordinate service Rules, 1958, provide for assessing the suitability of the probationers for confirmation in service or for full membership of the service. The very purpose of prescribing a period of probation is to enable the appointing authority to assess the suitability of the officer in all respects to be absorbed in service substantively or permanently.

In stances have come to the notice of government where timely action has not been taken for assessing the suitability of the probationers in service for declaring the satisfactory completion of probation and where the provision for extension or termination of probation (in case the service of the probationers are found to be unsatisfactory), during the prescribed or extended period of probation are not adhered to. This has resulted in retention in service of officers whose work is found to be admittedly unsatisfactory. After the expiry of prescribed period, it becomes impossible either to extend the period of probation or discharge the probationer.

In the case of an All India Service Officer, the advise tendered by the Law Department, is extracted below:-

“The probation rules clothes the Central Government with the power to extend the period of probation of a probationer in its discretion. But the rule is silent as to the maximum period for such extension of probation and in order that the provision should not be abused, the Central Government stopped in with its general powers of issuing administrative instructions and the instructions so issued provided Inter alia that save for exceptional reasons the period of probation should not be extended by more than one year and that no member of the service should, y conversation, be kept on probation for more than double the normal period. It also provided that the decision on confirmation or extension of probation should be taken seen after the expiry of the initial probationary period i.e., ordinarily within 6 to 8 weeks thereof and communicated to him together with the reasons, in case of extension.

In the case reported in AIR 1968 SC 1210 while dealing with a instance where the rule itself provided that the maximum period of probation including extension would not exceed 3 years, the Supreme Court held that on the completion of such maximum period of probation the probationer should be deemed to have been confirmed by implication. The Gujarat High Court in the case reported in 1978 (2) SLR 618 had occasion to consider the effect of the above said instructions issued by the Government of India and observed that the above instructions would have the force of a binding rule and that by applying the principle laid down by the Supreme Court in AIR 1968 SC 1210 it has to be held that on the expiry of the maximum period of probation as laid down in the instructions issued by the Government of India a probationer should be deemed to have been confirmed automatically.”

4. All Secretaries to Government are requested to ensure that timely action is taken for declaring satisfactory completion of probation and discharge of

probationers strictly accordance with the statutory rules and in time in all cases so that there should not be any lapse in the matter. It is made clear that the responsibilities in this regard will be personal.

R.GOPALASWAMY,

Chief Secretary to Government

Endt. No. E1-1565/84/K.Dis.) dated 12.6.1984.

Copy to all CAs. To CCFs. /All Conservators and Div. Forest Officers

Copy to AIS Rules / Stock File All seats in Estt. Section.

OFFICE OF THE CHIEF

CONSERVATOR OF FORESTS,

Trivandrum

v/14/6

For Chief Conservator of Forests,

Letter no.1/So/84/HWD. Dated 30.5.1984 from Shri R.B. Pathak Secretary Harijan Welfare Department, Secretariat Trivandrum- pin 695001 to the Chief Conservator of Forests, Trivandrum.

I have assumed charge as Secretary, Harijan Welfare Department with effect from 26.5.1984. All communications may there for be sent to the above address.

(Sd-)

R.B. PATHAK.

Endt. No. E12275/84/L.Dis. dated 11.6.1984

Copy transmitted to all C.C.Fs.

Copy to all C.Fs.D.F.Os./Principals, KFS. Walayar & Aripa.

Copy to the field Director, project tiger, Kottayam.

Copy to Stock file / All C./As. To CCFs.

OFFICE OF THE CHIEF CONSERVATOR

OF FORESTS, TRIVANDRUM

for Chief Conservator of
Forests

v/14/6

Letter No,Eb(1)-29150/84 dated 1.6.1984 from Shri M. Vijayanunni Registrar of Co-operative Societies, Trivandrum, to the C,C<F.

I have taken charge as Registrar of Co- operative Societies of 31st May ,1984 afternoon, I look forward to a period of fruit full association and co-operation in our various activities.

(Sd.)M.VIJAYANUNNI

EAndt. No. E1-23052/84/L.Dis. dated 13.6.1984.

Copy forwarded to all C.Fs. And all sub officers for information.

Copy transmitted to all C.C. Fs. /CAs. To CCFs. / Stock file.

OFFICE OF THE CHIEF CONSERVATOR

OF FORESTS, TRIVANDRUM.

v/14/6

for Chef Conservator of Forests