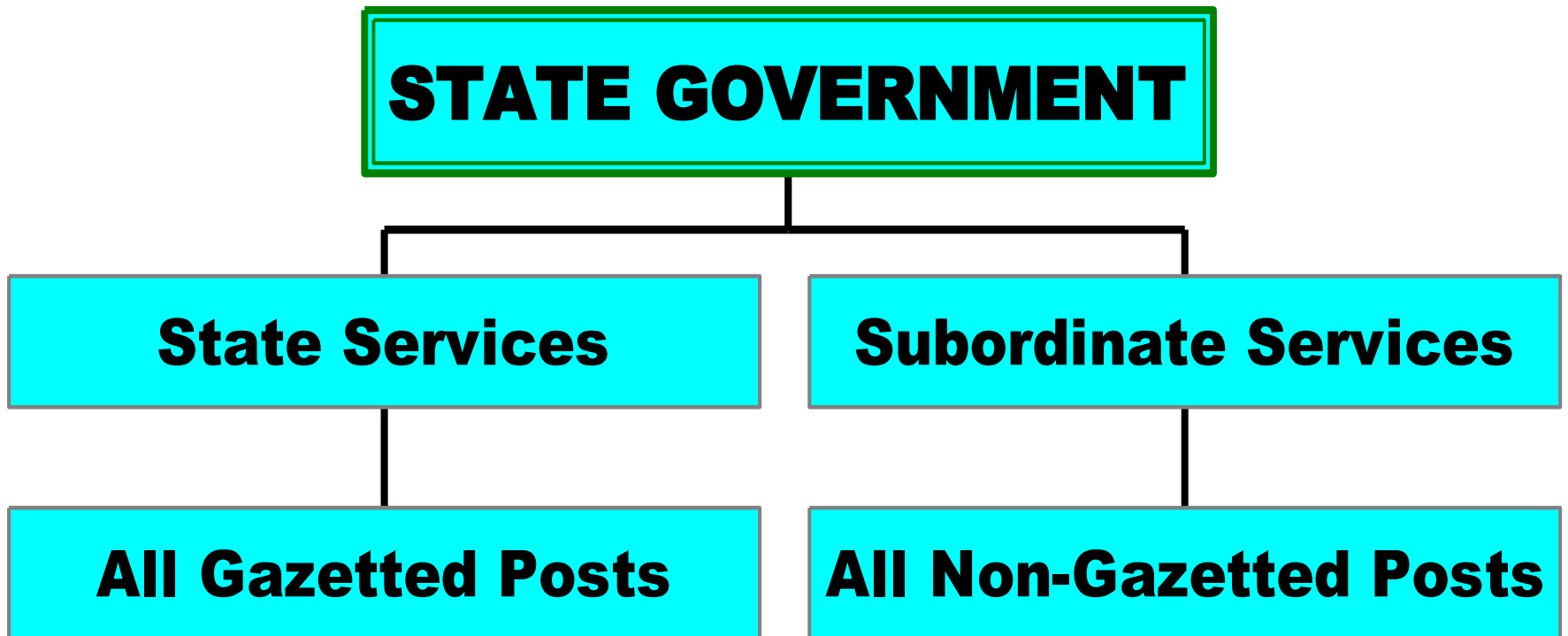


**TELANGANA STATE
AND SUBORDINATE
SERVICE RULES, 1996**

G.O.Ms.No.436, G.A (Ser.D) Dept, dt.15.10.1996
as adapted in
G.O.Ms.NO.196, G.A (Ser.D) Dept, dt.28.05.2016



Rule 1. Short title, scope and relation to special rules:-

- These Rules may be called *the Telangana State and Subordinate Rules, 1996*.
- Apply to holders of posts under State and Subordinate Services whether temporary or permanent
- Do not apply to the holders of the posts appointed by contract or on agreement
- These rules cannot prevail over other rules

Rule 2. DEFINITIONS

- **1. Adhoc Rules:** Issued to govern a temporary post which is not covered by any special rules or all or some of the services in regard to issues of common applicability of all such service
- **2. Appointed to service:** A person is said to be “appointed to a service” when, in accordance with these rules, except under rule 10 and in accordance with the Special Rules or Ad hoc Rules applicable to such service he discharges for the first time, the duties of a post borne on the cadre of such service or commences the probation, instruction or training prescribed for members thereof.

- **3. Approved candidate:** A candidate whose name appears in an authoritative list of candidates approved for appointment to any service, class or category.
- **4. Approved probationer:** Member of a service, class or category who has satisfactorily completed his probation in such service, class or category.

- **5. Appointment or Recruitment by transfer:** A candidate is said to be appointed or recruited by transfer to a service;
 - (a) if, at the time of his first appointment thereto, he is an approved probationer in the High Court Service or Legislature Service in the State of Telangana or in any other service, the rules for which prescribed a period of probation for members thereof; or
 - (b) in case at the time of his first appointment thereto, he is the holder of a post which has been included in another service, but for which no probation has been prescribed, if he has put in that post, satisfactory service for a total period of two years on duty within a continuous period of three years.

- (7) **“Socially and Educationally Backward Classes”** mean the communities mentioned in Part-C of Schedule-I.
- (8) **“Cadre”** means the posts in various classes, categories and grades in a service.
- (9) **“Commission”** means the Telangana State Public Service Commission.
- (10) **“Confirmed Member”** means a member of a service who has been confirmed in a service under the State Government in accordance with Rule 21.
- (11) **Date of regular appointment** : Date of commencement of probation .
- (14) **Duty** : Performing duty, training, deputed for higher studies, joining time, vacation, authorized holidays, casual leave.

- **(15) Direct Recruitment:** A candidate said to be recruited direct to a post, class or category in a service, in case his first appointment thereto is made otherwise than by the following methods:-
 - (i) by promotion from a lower category or
 - (ii) by transfer from any other class of that service or
 - (iii) by appointment by transfer from any other service,
or
 - (iv) by re-employment of a person in case he had retired from service of Government prior to such appointment,
or
 - (v) by appointment by agreement or contract.

(16) Ex-Serviceman means a person who served in any rank in the Regular Army, Navy and Air Force of the Indian Union but does not include a person who has served in the Para-Military Forces, General Research Engineering Force etc.,

(17) General Rules: The Telangana State and Subordinate Service Rules.

(18) Government means the State Government of Telangana.

(19) Member of a Service means a person who has been appointed to a service and is continuing in that service as a Probationer/approved Probationer/Confirmed member.

(20) Meritorious Sportsman: The individual who has participated in the disciplines or obtained Medals mentioned in the Annexure I & II respectively to G.O.Ms.No.74, YAT&C (Sports) Dept, dt.09.8.2012.

(G.O.Ms.No.107, G.A (Ser.D) Dept,dt.27.7.2018)

(21) Officiating appointment: If appointment has been made after inclusion in the panel, but whose appointment is not been regularized.

(22) Panel: The authoritative list of candidates approved for regular appointment to any service, class or category drawn up by the Commission or by the Government or by the appointing authority concerned, *but does not include the panel or list prepared for temporary appointment by the appointing authority pending preparation of a panel for regular appointment in accordance with the rules.*

(23) Persons with disabilities: The persons with following disabilities come under this category.

- i. Blindness
- ii. Low vision
- iii. Leprosy cured
- iv. Hearing impairment
- v. Locomotor disability
- vi. Mental retardation
- vii. Mental illness.

(24) Presidential Order: The Public Employment (Organisation of Local Cadres and Regulation of Direct Recruitment) Order, issued by the President of India under Article 371-D of the Constitution of India and application to the extent of territorial jurisdiction of TS, for time to time, in its true spirit.

(25) Probation: The period during which a fresh entrant to a service or a person appointed to a higher post for the first time either by promotion within the service or by transfer from any other service, is put on test for determining his fitness to hold the post in a service, class or category.

(26) Probationer: A member in a service class or category who has not completed his probation.

(27) Promotion: The appointment of a member of any category of a service to a higher category of such service.

(28) Schedule: The Schedule to these rules.

(29) Schedule Caste: The Communities mentioned in the Part-A of Schedule-I.

No person who professes a religion different from Hinduism, the Sikh or Budhism shall be deemed to be a member of a S.C

(30) Schedule Tribes: The Communities mentioned in Part-B of Schedule-I

(31) Screening Committee: A Committee constituted by Government to recommend the names for inclusion in the panel for promotion or appointment by transfer involving promotion to the posts, for which it is necessary to consult the TSPSC under the regulations of the TSPSC.

(32) Service: A post or a group of posts or categories of post classified as State or Subordinate service.

(33) Special Rules: The rules applicable to each service or class or category of a service, which include ad hoc rule applicable to temporary posts in a service or class or category which are not covered by the special rules.

- **Explanation:-** The words importing either gender in these or special rules shall be taken to include those of the other gender if circumstances so require.

Rule 3(A): Conditions of service:- The Fundamental Rules, rules regulating the Scales of Pay, the Civil Services (Conduct) Rules, CCA Rules, Leave Rules, the GLI Fund Rules, the RPRs applicable to the State of Telangana from time to time and any other Acts, Rules or Regulations enacted or issued or may be issued by Government are applicable to govern members of every service and persons appointed in any post in any service.

Rule 3(B): Application of rules : Rules made under Article 309 are applicable to all persons holding posts intended to be held by members of that service on the date on which such rules were made applicable.

Provided right or privilege entitled by or under any rule applicable prior to the making of such rule shall not be deprived.

Rule 4: Method of Appointment:

(a) Appointment may be one or more than one of the following methods :

- **Direct recruitment**
- **Recruitment/Appointment by transfer**
- **Promotion, or**
- **Contract/Agreement/Re-employment**

Rule 4:

- (b) Direct Recruitment:-** Direct recruitment shall be applicable to all substantive vacancies and shall be made only against the substantive vacancies.
- (i) Substantive vacancies shall mean all vacancies in the permanent cadre and all vacancies in the posts which have been in existence for more than 5 years.
- (ii) The posts earmarked for direct recruitment shall be filled by direct recruitment strictly and not by any other method.
- (iii) The percentage earmarked for direct recruitment should not fall short of 33 $\frac{1}{3}$ % in respect of posts in State Service and 30% in respect of posts in Subordinate Service.
- (iv) If the special rules specify more than one method of appointment, a provision shall be made in the special rules indicating the cycle or order in which vacancies shall be filled by such different methods of appointments.

Rule 4:

(c) Re-allotment of candidates selected by the Public Service Commission:-

- The re-allotment of candidates selected by the Telangana State Public Service Commission for appointment, from one unit to another unit, either in the same service or in any other service shall be made with the mutual consent of the appointing authorities concerned and with the prior concurrence of the Commission.
- The order of re-allotment shall be issued by the appointing authority to whose unit the candidate was first allotted by the Commission.
- *Such order of re-allotment shall be strictly in conformity with the provisions of the Presidential Order.*

Rule 5:

a) Selection Posts: All Gazetted posts.

- Promotions / appointment by transfer in that service shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal by the appointing authority from the *panel* of candidates.
- Such *Panel* shall be prepared as laid down in **Rule-6** by the appointing authority or any other authority empowered on this behalf.

b) Non-selection posts : All non-gazetted posts.

- Promotion and appointment by transfer shall be made in accordance with seniority-cum-fitness

Rule 6: Method of Preparation of Panels in respect of selection posts:

- The appointing authority prepares in consultation with DPC/SC.
- The appointing authority shall make appointments of candidates from panel/list, in the order in which the candidates in such panel are arranged in their order of preference.
- Qualifying Date: 1st September is the qualifying date to determine the eligibility.
- Panel year : 1st September to 31st August of succeeding year.
- Currency of panel : 1st September to afternoon of 31st December of succeeding year or date of approval of panel for next year *whichever is earlier*.

Rule 6:

- Vacancies arising from 1st September to 31st August
- The zone of consideration : 1:3
- Zone of consideration of ratio of 1:3 shall not be applicable to S.C & S.T Candidates, *whose total cadre strength is more than five.*
- The Panel can be reviewed after a period of 6 months after its approval to consider unqualified candidates (*for not passing the prescribed tests or for not having special qualifications only*) who become qualified subsequently.
- No panel of candidates need be prepared-
 - If vacancies are not available in a panel year
 - If the appointing authority does not consider it necessary
 - If there are any stay orders of court of law or court litigations or seniority disputes among the employees.

Rule 6:

- **REVIEW OF PANEL**
- When eligible persons were omitted to be considered or ineligible persons were considered by mistake;
- When a Person's Seniority is revised with retrospective effect;
- When procedural irregularity is committed by the D.P.C, and
- When adverse remarks against a person have been subsequently toned down/expunged.

(GOMs.No. 187 GA (Ser.B) Depart dt. 25-4-1985)

Rule 6:

Estimate of vacancies :

- Existing vacancies
- Vacancies to arise owing to retirement.
- Consequential Vacancies due to promotion or appointment by transfer
- If number of qualified and eligible candidates in a panel year are less than the number of estimated vacancies, such number of eligible and found fit only shall be included in the panel.
- 10% of the total estimate of vacancies towards reserve for (i) Deputation (ii) Training (iii) long Leave
- Provided that the candidates kept in reserve in the approved list shall be *not less than one*, where the estimate of vacancies is *five or less than five*.

- Vacancies arise during the current panel year, if could not be filled up due to administrative reasons before 31st August , the same can be filled from the current panel to the extent of vacancies arise during the current panel year UPTO 31st December or before the date of approval of the panel for the next panel year, whichever is earlier.
- *Mere inclusion of name of a candidate in a Panel, does not confer him any right for promotion / appointment by transfer.*

- The following persons shall be considered for inclusion in the panel:-
 - ✓ Qualified persons included in the previous panel but who have not commenced their probation.
 - ✓ Such cases shall be considered with reference to the relative merit & ability of other candidates coming up for fresh consideration.
 - ✓ It shall not be necessary to carry forward their names in the current panel in the same order.
 - ✓ Persons who were ineligible during previous panel due to not possessing the prescribed qualifications, but are subsequently qualified as on the qualifying date.
 - ✓ Qualified persons considered unsuitable for inclusion in the previous panel.

- **Persons included in more than one panel:-**
 - ✓ Some times, a candidate's name can be included in different panels for more than one service;
 - ✓ The cadre controlling authority of the parent department shall inform the cadre controlling authority of the other panel about the inclusion of name of the candidate in parent department's panel.
 - ✓ The HoD shall call for the option from the person to which he wishes to be appointed.
 - ✓ The option of the person shall be informed to the other cadre controlling authorities.

- Promotion or Appointment by transfer to a Higher Post in respect of officers who are facing Disciplinary Proceedings or a Criminal Case or whose conduct is under investigation is governed by G.O.Ms.No.257 GA (Ser-C) Dt.10.06.99.
- Employees whose increments were withheld shall not be recommended for promotion during the period for which the increments were ordered to be withheld, w.e.f. the Date of Issue of the order imposing the penalty. (*Cir. Memo No.34633/Ser.C/99 Dt.04.11.99*)
- Any Minor Penalty Bars Promotion or Appointment by transfer for a minimum period of one year and withholding of increment with cumulative effect bars promotion or Appointment by Transfer for twice the period for which Increment is withheld to both Selection and Non-Selection Posts. (*G.O.Ms.No.342, GAD (Ser-C) Dt.04.08.1997*)

- Employees against whom there are a series of punishments, which are not subsisting at the time of consideration for promotion, the D.P.C/ Screening Committee have to take into consideration his overall performance which includes past punishments and not merely guided by the fact whether punishment is subsisting as on the date of meeting of D.P.C/ Screening Committee or on the qualifying Date for preparation of panel. (*G.O.Ms.No.203, G.A (Ser-C) Dt.05.05.99*)

- If the charges have not been framed or proposed to be framed and the matter is at the stage of preliminary enquiry, no cognizance need be taken and the case may be considered on individual merits, disregarding the allegations under enquiry.
- Similarly, in respect of cases relating to ACB which are at the stage of preliminary enquiry the eligibility of a candidate for promotion may be determined without reference to such preliminary enquiry
- Where enquiry by the ACB is completed and it is proposed to hold regular enquiry, the case may be deferred. (*GOMs.No. 187 GA (Ser.B) Depart dt. 25-4-1985*)

- If a disciplinary proceedings/investigation/ inquiry / trial has been taken up against an employee between the date of inclusion of his name in the approved panel and the date of actual promotion, such promotion has to be deferred till the termination of the such proceedings.

(GOMs.No. 104 GA(Ser.C) Dept dt. 16-2-1990)

- Confidential reports of the last 5 years would be taken, including the CRs in the lower/higher category or to the extent available in respect of direct recruitment, to assess the suitability for promotion.

(G.O Ms.No. 291 GA(DPC-Desk-I) Dept dt. 3-4-1990)

- Un-communicated adverse remarks in ACRs should not be considered.
- When representation against the communicated adverse remarks is pending or the time for submission of representation is not over, the case of such employee should be deferred till the disposal of the representation made or that may be made.
(GOMs.No. 187 GA(Ser.B) Depart dt. 25-4-1985.)

- *In G.O.Ms.No.529, G.A (Ser.C) Department, dt.19-8-2008, orders were issued to consider the cases of employees for promotion wherever charges are held not proved by the criminal court and acquitted them, even though an appeal is preferred before the higher court against such acquittal.*
- *“Such promotion shall be purely on temporary basis with prospective effect and subject to outcome of the appeal pending before higher court.”*
- *Such consideration shall be in the *ensuing Meeting* of the Departmental Promotion Committee / Screening Committee only.
(G.O.Ms.No.593, G.A (Ser.C) Department, dt.21-10-2011)*

G.O.Ms.No.331, G.A (Ser.C) Department, dt 4-5-2013

- Orders that promotions shall be considered with prospective effect only in subsequent panel years duly placing the matter before the DPC/ Screening Committee afresh in respect of the cases where;
- (i) Charges were dropped using the words such as *let off, warning, to be more careful in future, on humanitarian grounds, on benefit of doubt etc.*,
- (ii) Original order of penalty was modified on appeal or revision, after elapse of stipulated time (or) on humanitarian grounds (or) due to retirement etc.,
- (iii) The individual was acquitted by courts on benefit of doubt in criminal cases.

Preparation of panels

- An Estimate of vacancies has to be arrived.
- The information in Annexure to G.O.Ms.No.187, G.A (Ser.B) Department, dt.25-4-1985 has to be furnished.
- A self contained note should be enclosed indicating the full information regarding the provisions for promotion under relevant service rules.

- **Annexure-I** showing the service particulars of the qualified and unqualified employees in the order of seniority who come within the zone of consideration has to be furnished.
- **Annexure-II** showing the disciplinary proceedings, ACB cases, Vigilance cases; Punishments imposed and in currency for the preceding five years of the qualified employees in the order of seniority who come within the zone of consideration has to be furnished
- **Annexure-III** furnishing the position of Confidential Reports indicating the adverse remarks if any, communication of adverse remarks, whether representation made and the final orders on the same either expunging or retaining the adverse remarks for the preceding five years of the qualified employees in the order of seniority who come within the zone of consideration.

- Seniority list communicated has to be enclosed.
- Confidential Reports of the qualified employees in the zone of consideration be placed.
- All files relating the disciplinary cases/ACB cases/Vigilance cases pending/finalised of the qualified employees in the zone of consideration be made available.
- A copy of the Service Rules applicable should be furnished.
- Minutes of the previous DPC/SC

Rule 6 (i): Non-Selection Posts:-

- All Non-Gazetted posts are Non-Selection Posts.
- Appointing authority shall prepare List of eligible candidates
- Record Sheet and the qualifications prescribed in the special rules are basis for preparation of List eligible candidates
- 1st September of the year to 31st August of the succeeding year.

Rule 7: Appointing authority:

State Services	Appointing Authority
1 st Level Gazetted Posts	Regional Officers / HoD
2 nd Level Gazetted Posts	HoD
3 rd Level Gazetted Posts and above in the State Service	Government

Rule 8: For promotion or appointment by transfer from one service to another service, a member shall have satisfactorily completed his *probation* in the category from which he is proposed to be promoted or appointed by transfer to such higher post.

- Minimum service for promotion or appointment by transfer is **not less than three years service in such lower category, class or grade”**

Rule 9: APPOINTMENT BY AGREEMENT OR CONTRACT:

- (a) (i) State Government may make appointment to any post otherwise than in accordance with these rules or special rules, **by agreement or contract** subject to special provisions made in the agreement or contract and nothing in these rules or the special rules shall apply in respect of any matter for which provision is made in the agreement or contract:
- In respect of any matter no provision has been made in the agreement or contract, provisions of these rules or special rules relating to the post shall apply.

Rule 9:

(a) (ii) The agreement or contract may inter-alia include provisions in respect of conditions of service, pay and allowances, discipline, contract period of appointment, notice period for termination of appointment by either party and other relevant matters.

(iii) The Government may, by order, prescribe the form of such agreement or contract.

(b) A person appointed on contract or agreement basis shall not be regarded a member of service and *shall not be entitled for any preferential right for any other appointment.*

Rule 10: Temporary appointment including appointments by Direct Recruitment/appointment by transfer or by promotion:

- Temporary appointment by direct recruitment/ appointment by transfer or by promotion in public interest when the appointment in accordance with the rules delays.
- No appointment shall be made of a person without qualifications except in exigencies of service where no qualified person is available subject to replacement by a qualified person as soon as possible.
- Such appointee shall not be regarded as probationer and shall not be entitled to any preferential claim to future appointment.
- Such appointee shall be liable to be terminated/reverted at any time without any notice.

Rule 10:

- No appointee shall be eligible to an increment in the time scale of pay applicable unless passes the tests, completes the training or acquires the qualifications prescribed in the Special Rules, as a condition for the grant of increment .
- A person appointed to any part-time post, created in lieu of a whole time post shall not be regarded as a probationer nor shall he entitled to any preferential claim to future appointment.
- The practice of making in-charge arrangements on own scale of pay of the incumbent is totally prohibited.
- In the exigencies of administration, necessary action may be taken to fill the vacant posts by promotion or direct recruitment.

Rule 11: The time limit for joining.

- (a) Direct Recruitment – **60 days** from the *date of dispatch* of the appointment order by RPAD .
 - If the individual doesn't join with 60 days the offer of appointment shall be treated automatically cancelled and his name be deemed to have been omitted from the list .
 - b) Otherwise than by Direct Recruitment – **15 days** from the *date of receipt of the order* by RPAD or by any other means.
 - Name of the individual shall be placed before the next DPC if he does not join or evades to join in time.
 - In case of non-selection posts, name of such candidate shall be considered for promotion again after one year from the date of first offer, subject to availability of vacancy.
- “Provided that the employee, who does not join the post within the stipulated time or evades to join the post by proceeding on leave, second time also, *shall lose his promotion right / offer permanently.*”

Rule 12: Qualifications for Direct Recruitment:

1 (a) General conditions to be fulfilled for DR:

- Sound Health, Active habits, free from any bodily defect or infirmity rendering unfit for service;
- Good character and antecedents
- Academic and other qualifications prescribed for such post.
- Citizen of India

(b) Age limit:

- Min. 18 years & Max. 34 years as on 1st July (for General candidates) of the year in which the notification is made.
- *Do not apply for DR to the posts in Police Recruitment Service and Special Armed Police Service*

Rule 12:

Relaxation:

- 5 years for S.C's, S.T's and B.C's.
- For Limited Recruitment for SCs and STs the age is raised by 10 years.
- Persons with disabilities uniformly 10 years.
- For widows, divorced women and women judicially separated who are not remarried, the maximum age limit for direct recruitment to posts carrying a scale of pay equal to Junior Assistants or less, shall not exceed 40 years in the case of SCs and STs candidates and 35 years in the case of others.
- *Provided that for compassionate appointment to the spouse of deceased Government employee, the upper age limit shall be 45 years irrespective of the community.*

Rule 12:

- (c) (i) A persons worked in Armed forces shall be allowed to deduct from his age a period of three years in addition to the length of service rendered by him in the armed forces for purposes of the maximum age limit; for direct recruitment
- (iii) a person already in service of the State Government, who has been appointed regularly, shall be allowed to deduct from his age the length of regular service under the State Government up to a maximum of five years for purposes of the maximum age limit (for direct recruitment).

Rule 12:

- 2. The minimum General Educational Qualifications wherever referred to in these or special rules shall be the qualifications prescribed in **Schedule-II** of these rules.
- 3(a) Should possess the academic qualifications and experience prescribed, if any, on the date of notification for DR.
- (b) The person should possess the requisite academic/technical qualifications, should pass the departmental/other tests, should satisfactorily complete any course or training prescribed in the special rules as a prerequisite qualification, if any, to stand eligible for appointment to a post by promotion or appointment by transfer.

Rule 12:

4. Disqualifications for appointment:

- ❖ Canvass or extraneous support from officials, non-officials relatives etc
- ❖ Bigamy
- ❖ Woman whose marriage is void by reason of her marriage with a person who has a wife living at the time of such marriage
- ❖ Dismissal from service on conviction for an offence involving moral turpitude

Rule 13: Language test in Telugu:-

- (a) Pass in Language Test in Telugu within the period of probation failing which probation shall be extended and *increments shall be postponed without cumulative* effect until passes the test.
- If not passed within the probation period, probation can be extended by appointing authority under **Rule-17 (b)** and further by the Government under **Rule-31**.
- After passing the Language test in Telugu in the extended period of probation or exempted on completing 45 of years of age, the person is entitled to release the postponed increments *but not entitled to draw arrears*.
- (b) The standard of the test shall be II class language test in Telugu for holders of the posts for which minimum general education qualifications (**Schedule-II**) or higher academic qualifications and a pass in the III class language test in Telugu for others.

Rule 14: Language Test – Exemption:-

- (a) 2nd class language test in Telugu: Person who passed SSC or any higher examination with Telugu medium or with Telugu as one of the subjects.
- (b) 3rd class language test in Telugu: Person who passed 7th or 8th class examination with Telugu medium or with Telugu as one of the subjects.
- (c) On attaining the age of 45 years.
- Commencement of probation shall be re-fixed under **Rule-16 (h)** in case a person fails to pass the test even after extending the period of his probation under **Rule-17 (b) & Rule-31** and claimed exemption after crossing the age of 45 years.

Rule 15: Time to pass newly prescribed tests:-

- Where a test is newly prescribed and no one has passed such test, person who is otherwise qualified may be promoted in the first instance.
- Such person should pass the newly prescribed test within the period of probation **or** within one year **or** in one of the first two examinations held after promotion, *which ever is later.*
- If he fails to pass the test, he shall be reverted and promoted only after passing such tests.
- *This concession will be available only for a period of 3 years from date on which the test has been newly prescribed.*

Rule 16: Commencement of probation/period of probation/change in date of commencement of probation:

- ✓ (a) Commencement of probation for direct recruits: From date of joining duty
- ✓ (b) Minimum service for commencement of probation: Continuously on duty for a period of not less than 60 days from the date of joining duty after having been appointed otherwise than direct recruitment (promotion/ appointment by transfer)
- ✓ *This rule shall not apply to the persons appointed by DR or DPC or any agency for recruitment.*

✓ Rule 16:

(c) Period of Probation:

- i. Direct Recruitment: 2 years on duty within a continuous period of 3 years.
- ii. Promotion/Appointment by Transfer: 1 year on duty with a continuous period of 2 years.
- iii. *Service in higher post counts for probation in the lower post.*

(d) Where probation is not prescribed to a higher post according to the special rules, “Probation” and “Probationer/Approved Probationer” mean “Officiating Service” and “Person Officiating” respectively.

Rule 16:

- ✓ (e) Tests to be passed during probation: Person who has commenced his probation in a service, shall pass the requisite tests or acquire qualifications prescribed in the service rules *within the period of probation.*
- ✓ (f) If the person does not pass tests with in the period of probation, the appointing authority shall discharge him from the service **unless** the probation is extended for one year by the appointing authority (Rule-17(b)) and subsequently by Government (Rule-31).
- ✓ If does not pass tests even in the extended period of probation, *the appointing authority shall discharge him from service.*
- ✓ If the probationer has appeared for the requisite tests in time and the results are not declared within the probation/extended period of probation, he shall continue to be on probation until the publication of results of such tests.

Rule 16:

- ✓ *Any delay in issue of the order discharging the probation, shall not entitle him to be deemed to have satisfactorily completed his probation.*
- ✓ (g) Exempted from Special qualification to be acquired or special tests to be passed during probation if the probationer has already acquired such qualification or passed tests before commencement of his probation.
- ✓ **(h) Change of date of commencement of probation:-** If a candidate does not pass within the period of extended probation, the date of commencement of probation be changed to a date two years anterior to the date of passing the tests and the seniority be reckoned from such date.
- ✓ In such cases, the Government fixes the date of commencement of probation.

✓ **Rule 16 (h): Change of date of commencement of probation:-** A probationer, who does not pass the prescribed tests or acquire the prescribed special qualifications within the period of probation or within the extended period of probation under rule 17 or further extended by Government under rule 31, till the date of passing tests or acquiring qualifications, shall be deemed to have commenced the probation with effect from the date to be fixed by the Government, which would be anterior to a date to his passing such tests or acquiring such special qualifications, so that the interval between the two dates shall be equivalent to the prescribed period of probation, whether on duty or otherwise and seniority of such probationer shall be determined with reference to the date so fixed.

Rule 17: Suspension, termination or extension of probation:-

- (a) Probation can be suspended for want of a vacancy.
- Probation can be terminated for -
 - unsatisfactory performance or progress during training
 - unsatisfactory performance of duties
 - failure in passing the prescribed tests
- Termination of probation will lead to discharge from service after giving one month's notice or one month's pay in lieu such notice.
- Such probationer may be posted by the appointing authority under another officer to make sure that the previous report made against him by a superior officer is not a biased one.

Rule 17:

- (b) Probation can be extended by the appointing authority in case of failure of passing tests within the time.
- Such extension shall not exceed one year, whether on duty or otherwise in such service.
- (c) Increments shall be postponed, if the probation is extended
- Such postponement of increments shall not be treated as a penalty
- Only as condition for extension of probation
- It shall not have effect on future increments after the person completes his probation satisfactorily.

Rule 17:

- (d) Penalty on a member on the maximum of his pay scale for failure to pass prescribed tests:- Pay of such member is to be reduced to the next lower stage in his time-scale.
- (e) Appeal against discharge of a probationer:- A probationer who is discharged under Rule-16(f)(i) or (iii), shall be entitled to appeal within a period of 30 days from the date of receipt of order of discharge.
- *If the probationer is in a State Service, the appeal would lie only to the State Government.*
- After appeal, the competent authority *may revise* the order of discharging the probationer *within one year* of the date of such order.
- The period between the date of discharge and restoration of the probationer shall be excluded for calculating the probation period.

Rule 17:

- Where the order discharging a probationer is set aside on the ground that his discharge was wholly unjustified and the probationer is restored to the service, the period on and from the date of discharge to the date of restoration shall be treated,-
- (a) *as on duty except for the purpose of probation*, if the appointing authority opines that the discharge was wholly unjustified.
- (b) *not as on duty* in any other case. (the authority shall direct to treat such period for any specified purpose)
- In case of (a) above, the full pay & allowances shall be given to which he would be entitled, had the order of discharge not been issued.
- In case of (b) above, such pay & allowances, as the authority passing the order shall determine.

- **Rule 18: Declaration of Probation:**

- (a) The appointing authority shall consider whether the individual shall be considered for declaration of probation.
- After taking a decision, he shall issue an order declaring the probationer to have satisfactorily completed the probation.
- (b) Decision of extension of probation shall be taken soon after expiry of the prescribed period of probation.
- If any lapses are noticed during probation period, the same should be communicated to enable the probationer to rectify such lapses.
- A decision as to extend/suspend or discharge of probation should be taken within 8 weeks after expiry of probation period.
- Any delay taking such decision, the probationer shall not be deemed to have completed his probation successfully.

Rule 18:

- If no such order is passed within one year of expiry of probation period, such employee be deemed to have satisfactorily completed the period of probation and a formal order should be issued for the purpose of record.
- The above clause does not apply, in case of charges pending or failure in passing the special tests or acquiring special qualifications prescribed, if any, within the period of probation.

Rule 19: Rights of a probationer and approved probationer for re-appointment:

(a) First preference in filling up of a vacancy should be given to an approved probationer or probationer.

(b) Discharge of a probationer or approved probationer:

A probationer or an approved probationer shall be discharged for want of vacancy in the following order:

- i. The probationers in the order of juniority
- ii. The approved probationers in the order of juniority.

Rule 19:

- ✓ *The discharge of persons in any administrative unit consequent on the retrenchment of posts shall be in the following order:-*
- ✓ 1. Persons, other than S.Cs & S.Ts, **appointed Temporarily**, in the order of juniority;
- ✓ 2. **Probationers**, other than S.Cs & S.Ts, in the order of juniority.
- ✓ 3. **Approved Probationers**, other than S.Cs & S.Ts, in the order of juniority.
- ✓ 4. S.Cs & S.Ts appointed temporarily in the order of juniority.
- ✓ 5. S.C & S.T probationers in the order of juniority.
- ✓ 6. S.C & S.T approved probationers in the order of juniority.

Rule 19:

- ✓ Where RoR is followed while recruitment, 15 % of posts in respect of S.Cs and 6 % of posts in respect of S.Ts shall be deemed to have been reserved for this purpose.
- ✓ **(c) Right of re-appointment / promotion / appointment by transfer of an approved probationer on foreign service or on deputation:-** An approved probationer of a service whether on leave or on foreign service or on deputation, is eligible for:
 - ✓ i. re-appointment in the parent department;
 - ✓ ii. promotion in the parent department;
 - ✓ iii. appointment to a post in another service

Provided that such a member appointed to another service and is a probationer in that service, is selected to another service on direct recruitment, can be appointed only after he relinquishes his right in the present service.

Rule 19:

✓ *Provided further that the absence of a member of a service from duty in such service, whose lien in a post borne on the cadre of such service is deemed to have been terminated on account of being an approved probationer in a class in any other service shall not be eligible:-*

- ✓ *1. for re-appointment to a regular post, whether permanent or temporary in the previous service in which he was an approved probationer; or*
- ✓ *2. for promotion from a lower to higher category in such previous service.*

Note: *This provision shall not be applicable to a person who is a member of two services where one of them is normally a feeder service or category to the other.*

Rule 20: Exercise of certain powers of appointing authority in respect of probationers:-

- ✓ The following powers exercisable by the appointing authority may also be exercised by a higher authority in that department directly or indirectly:-
 - ✓ 1. discharge of a probationer under Rule 16 (f) or Rule 17 (a) (ii); and
 - ✓ 2. extension of probation under Rule 17 (a) or (b).

Rule 21: Confirmation:- Employee declared to have satisfactorily completed his probation in his initial cadre, shall be confirmed as a member of that service.

- ✓ Such confirmation shall be done irrespective of availability of a permanent or substantive post or vacancy in that service.
- ✓ Such confirmation shall be only once during his service in the Government that too in entry grade irrespective of his further promotions in that service.

Rule 22: Special Representation (Reservation):-

- Out of 100 vacancies
- 15% for S.C's, 6% for S.T's
- 29% for S&E B.C's (A-7%; B-10%; C-1%;D-7% and E: 4%)
- 3% for P.H (6 VH, 31 HH 56 OH) .
- 2% (13 and 37) for Ex-Servicemen.
- In respect of S.A's, J.A's, Junior Steno's, Typists etc., in H.O.D's and A.S.O's etc., in Secretariat, 1 vacancy for meritorious sports person.

Rule 22-A: Women reservation:

33 1/3 % w.e.f. 28-5-1996 in respect of all categories

Roster Point No	Order of rotation	Roster Point No	Order of rotation	Roster Point No	Order of rotation	Roster Point No	Order of rotation
1	O.C -W	26	O.C	51	O.C	76	O.C
2	SC-W	27	SC	52	SC	77	SC
3	O.C	28	O.C	53	O.C	78	O.C -W
4	S&E BC=A-W	29	S&E B.C-A	54	S&E B.C-A	79	S&E B.C-A
5	O.C	30	O.C -W	55	O.C -W	80	O.C
6	VH-W	31	HH	56	OH	81	S&E B.C-B-W
7	SC	32	O.C	57	O.C	82	O.C
8	ST-W	33	ST	58	ST-W	83	ST
9	O.C	34	O.C -W	59	O.C -W	84	O.C -W
10	S&E BC-B-W	35	S&E B.C-B	60	S&E B.C-B	85	S&E B.C-B
11	O.C	36	O.C	61	O.C	86	O.C
12	O.C -W	37	O.C	62	SC	87	SC-W
13	OC	38	O.C -W	63	O.C	88	O.C
14	S&E B.C-C *	39	S&E B.C-D	64	S&E B.C-D-W	89	S&E B.C-D
15	O.C	40	O.C	65	O.C -W	90	O.C -W
16	SC	41	SC	66	SC-W	91	SC
17	O.C -W	42	O.C	67	O.C	92	O.C
18	S&E B.C-D-W	43	S&E B.C-D	68	B.C-D	93	S&E B.C-D
19	S&E BC-E-W	44	S&E BC-E	69	O.C S&E BC-E	94	S&E BC-E
20	S&E B.C-A	45	S&E B.C-A-W	70	S&E B.C-A	95	S&E B.C-B
21	O.C	46	O.C	71	O.C -W	96	O.C -W
22	SC-W	47	SC-W	72	SC	97	SC
23	O.C -W	48	O.C	73	O.C	98	O.C
24	S&E B.C-B	49	S&E B.C-B-W	74	S&E B.C-B	99	S&E B.C-B-W
25	ST	50	O.C -W	75	ST	100	O.C

Roster Point No	Order of rotation	Roster Point No	Order of rotation	Roster Point No	Order of rotation	Roster Point No	Order of rotation
1	- -	26	- -	51	- -	76	- -
2	SC-W	27	SC	52	SC	77	SC
3	- -	28	- -	53	- -	78	- -
4	- -	29	- -	54	- -	79	- -
5	- -	30	- -	55	- -	80	- -
6	VH-W	31	HH	56	OH	81	- -
7	SC	32	- -	57	- -	82	- -
8	ST-W	33	ST	58	ST-W	83	ST
9	- -	34	- -	59	- -	84	- -
10	- -	35	- -	60	- -	85	- -
11	- -	36	- -	61	- -	86	- -
12	- -	37	- -	62	SC	87	SC-W
13	- -	38	- -	63	- -	88	- -
14	- -	39	- -	64	- -	89	- -
15	- -	40	- -	65	- -	90	- -
16	SC	41	SC	66	SC-W	91	SC
17	- -	42	- -	67	- -	92	- -
18	- -	43	- -	68	- -	93	- -
19	- -	44	- -	69	- -	94	- -
20	- -	45	- -	70	- -	95	- -
21	- -	46	- -	71	- -	96	- -
22	SC-W	47	SC-W	72	SC	97	SC
23	- -	48	- -	73	- -	98	- -
24	- -	49	- -	74	- -	99	- -
25	ST	50	- -	75	ST	100	- -

For solitary post the rule of special representation shall not apply.(j)

Provided that the rule of special representation shall be applicable for appointment if the number of posts is more than one even though selection is to be made against only one vacancy at any recruitment other than limited recruitment.

- **In respect of appointments by promotion or recruitment by transfer from subordinate service to state service, the claims of S.C's & S.T's shall be considered on the basis of seniority subject to fitness.**

Provided that a member of the S.C or the S.T possessing superior merit & ability shall be allowed to supersede not only others but also the members of S.C's or S.T's as the case may be.

- **The vacancies in respect of SC, ST, B.C's (Group-A to Group-D) Women . Handicapped shall be carried forward**

SALIENT POINTS TO BE BORNE IN MIND

SC and ST Vacancies are not inter-transferable.

The vacancies for backward classes are inter-transferable only among the different groups.

The members belonging to SC, ST, and BC can also be considered against OC vacancies

- Unfilled reserved vacancies for physically handicapped should be carried forward to next year. If no candidate is available for second year also such vacancy is interchangeable among VH/ HH/ PH. If the vacancy cannot be filled by interchange, the same can be filled as OC vacancy in the subsequent year . (GOMs No. 99 GA(Ser.D) dt. 4-3-2014 w.e.f. 28-8-2004)

DIFFERENCES IN OBSERVATION OF RULE OF RESERVATION

Direct Recruitment	Promotion/Appointment by transfer
1. when the sanctioned posts are more than one.	only when cadre strength is more than five
2. Reservation for SC, ST, BC, Women, PHC, Ex Serviceman, Meritorious Sportsmen	Reservation only for SC, SC-W, ST, ST-W, PHC
3. Separate roster be maintained	Separate roster be maintained
4. Applicable from August 1970	Applicable from 14-2-2003.
5. SC, ST candidates selected against OC vacancies shall not reckoned for their representation	SC, ST employees promoted as per seniority shall be taken into account to consider the adequacy.
6. Since the adequacy of representation is not considered and the reservation is observed as per the roster points with reference to cadre strength	Once the adequacy of representation is achieved, the reservation should be stopped.
7. The question of lapsing Un-utilized roster points for SC and ST does not arise as such points are to be carried forward till the same are filled up.	Un-utilized roster points for SC and ST shall lapse when the percentage is achieved.
8. ST points should be filled as per roster points earmarked for ST and cadre strength has no relevance.	When cadre strength is 6, 7 or 8, one vacancy shall be filled by ST at their turn in the roster if there is no representation.
9. When SC and ST candidates are not available such point cannot be filled by other communities and such points shall be carried forward till the same are filled by respective categories.	When eligible and suitable SC and ST employees are not available consecutively for second panel year, such vacancies can be filled by seniority. However equal number of such vacancies shall be made good in the next panel year
10. The selection of candidates against roster points shall be made by the recruiting agency	The recommendation of the employees against roster points for SC and ST shall be made by the DPC/SC

Rule 23: Appeal, Revision and Review of orders of appointment (including promotion) to Higher Posts: Order can be revised within six months by the appellate authority on its own motion or on appeal filed by the aggrieved employee. Revision can be made within three months on the appellate authority order.

Rule 24: Revision of lists of approved candidates (panels) or list of eligible candidates for appointment by promotion or by transfer:- Revision of lists of approved candidates (panels) or list of eligible candidates for appointment by promotion or by transfer by placing before the DPC/SC within six months from the date of original order.

Rule 25: Review:- The State Government may review its order or any order of revision passed by them under Rule 24 if it was passed under any mistake, whether of fact or of law or in ignorance of any material fact or for any other sufficient reason.

Rule 26: Appeal against seniority or other conditions of service:-

- The appellate authority for submitting appeals against an order fixing seniority of a person or affecting any conditions of service passed by the appointing authority shall be the *HoD or the State Government*.
- In other words, the authority to whom an appeal would lie against an order of dismissal passed against the member of the service.
- *No* Appeal against seniority or assignment of notional seniority on par with junior shall be entertained by the appellate authority *after a period of 90 days from the date on which junior was promoted*.
- *Revision petition* against the order of appellate authority may be submitted to the Government, *within 3 months*.

Rule 27: Appointment of All India Service Officers to posts in the State Services:- An officiating or a permanent member of the All India Services may be appointed to any post in any State Service subject to the provisions of the AIS Rules.

Rule-28: Relinquishment of rights by members:- Relinquishment of any privilege by the employee may be accepted if it is in public interest.

- Such relinquishment once made will be final and irrevocable.
- Conditional or temporary relinquishment shall not be permitted.

Rule 29: Re-employment of members of service discharged on account of their suffering from T.B etc.:- Member discharged on account of his suffering from TB or such other diseases shall be eligible for re-appointment to the post held by him prior to his discharge or to an equivalent post in the department.

- Service rendered prior to discharge from service shall count for purposes of seniority and pay. Break period shall not be counted for any purpose.

Rule-30: Resignation:-

- Resignation forfeits past service.
- It takes effect from the date of relief.
- If on leave it takes effect from the date of expiry of leave.
- The employee may withdraw his resignation before it takes effect.
- The Resignation of a Government Servant against whom
- departmental proceedings are pending shall not be accepted.
- If the resignation is accepted, but has not taken effect and he withdraws his resignation before it has taken effect, he should be deemed to be continuing in service.
- A member of service, shall, if he resigns his appointment, forfeit not only the service rendered by him in the particular post held by him at the time of resignation but all his previous service under the Government.

Where a member of a service is selected for appointment by direct recruitment to another post and is appointed to it, his lien on the service or his probationary right, if any, in the former post shall be retained for a period of three years or until he becomes an approved probationer in the latter post, whichever is earlier; and if before the expiry of three years he is not an approved probationer in the latter post, unless he reverts to the parent department, he shall be deemed to have resigned to the former post with effect from the date on which the three years period expires:

provided that nothing in this sub-rule shall affect the benefits accrued to such member of a service in the previous post or posts, except the lien or probationary right on such post or posts;

Rule 31: Relaxation of rules by the Governor: *The Governor has the power to relax rules* in public interest or where the application of such rule or rules is likely to cause undue hardship to the person or class of persons concerned in respect of posts carrying a scale of pay of *Junior Assistant and above*.

Rule 32: Relaxation of rules by the Heads of Departments:- The Head of the Department is competent to relax rules relating to transfer, promotion or other service conditions governed by these rules or special rules in respect of posts carrying a scale of *pay less than that of Junior Assistant* in his Department.

- The State Government may relax or cancel such relaxation orders within a period of 6 months from passing the said orders under any mistake or for any sufficient reason.
- However, the affected party should be given an opportunity of making representation against the proposed review or cancellation.

Rule 33: Seniority:-

- (a) The date of first appointment to a service
- (b) Fixation of seniority among two persons who join service simultaneously, the order of preference fixed by the competent authority is the criterion.
- For candidates allotted by the T.S.P.S.C, Seniority with reference to the order of merit or order of preference.
- *“Provided further that the order merit or order of preference indicted in a list of selected candidates prepared by the Public Service Commission or other selecting authority, shall not be disturbed inter-se with reference to candidates position in that list, or panel while determining the seniority in accordance with this rule and notional dates of commencement of probation to the extent necessary shall be assigned to the persons concerned with reference to the order or merit or order of preference assigned to them in the said list.”*

- (c) If notional date for promotion is assigned such date shall be taken into consideration for computing the qualifying length of service in the feeder category for promotion to next higher category. Such notional date should be counted for the purpose of declaration of probation also in the feeder category.
- (d) Transfer of a person in the same service and scale shall not change his seniority in that category.
- (e) Seniority in case of reduction to lower cadre and re-promotion/re-appointment:
 - If the reduction *does not operate to postpone future increment*, seniority in the higher cadre shall be restored after his re-promotion;
 - If the reduction *operates to postpone the further increment*, the seniority in the higher cadre shall be fixed by giving credit for the period of service earlier rendered by him in the higher grade.
 - *The orders of punishment shall be taken into consideration before fixing seniority in the above cases.*

- (f) The seniority of retrenched employee on reappointment is with reference to the date of reappointment.

Rule 34: Preparation of integrated or common seniority list of persons belonging to different units of appointment:-

The list should be prepared with reference to the provisions of *Rule-33 (a)*, provided that the seniority list of the persons inter-se belonging to the same units shall not be disturbed.

Rule 35: Fixation of Seniority in the cases of transfers on request or on administrative grounds:-

- *Administrative Grounds:* Date of Seniority in the former unit of appointment.
- *Request:* Date of his joining in the later unit of appointment.

Rule 36: Inter-se Seniority where the dates of commencement of probation are same:- The seniority of the persons in the service shall be determined-

- in respect of candidates selected by TS.P.S.C, as per the ranking assigned to them, irrespective of the dates of commencement of probation.
- in respect of persons promoted or appointed by transfer, the dates from which they were placed on their probation.
- in respect of the above, if the date of commencement of probation is same, whoever is aged shall be the Senior.
- in respect of persons appointed on transfer on administrative grounds, the seniority shall be from the date on which the individual was placed on probation in the original dept.
- in respect of the persons appointed on transfer on his own request, as per the date of his joining in the new department.

Rule 37: Seniority of directly recruited candidates, re-allotted in consultation with T.S.P.S.C:- Seniority of the candidates re-allotted under *Rule-4 (c)* shall be assigned below the last regular candidate in the concerned class or category in the unit to which such candidate is re-allotted.

Clarificatory orders issued in Cir.Memo.No.16/Ser-A/98-99 Dt.21.04.99 of G.A (Ser-A) dept.

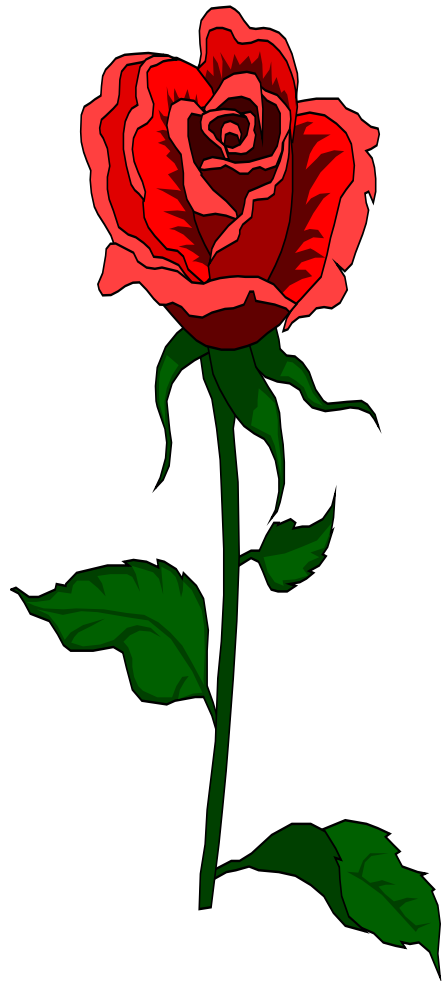
- For Determining the seniority of the employee the provisions contained in *General Rule-33* shall be followed.
- The Seniority of a Direct Recruit is to be determined only from the date of his/her joining duty but not from the date on which the vacancy earmarked for direct recruitment arose.
- If an employee is promoted to a post earmarked for Direct Recruit, his probation shall be reckoned from the date on which he would have occupied the vacancy meant for promotee.
- The inter-se Seniority of Direct Recruits shall be as per the ranking assigned to them by the recruiting agency irrespective of their dates of joining provided they all joined within the time allowed for them to join as per Rule. 11
- The Seniority lists already finalized as per court orders need not be disturbed, if they are finalized. If not yet done, they should be finalized as per these instructions.

No request for revision of seniority for a period which is more than 3 years shall be considered (GM No. 57759/Ser.A/2004-2 GA(Ser.A) Dept dt. 20-5-2004)

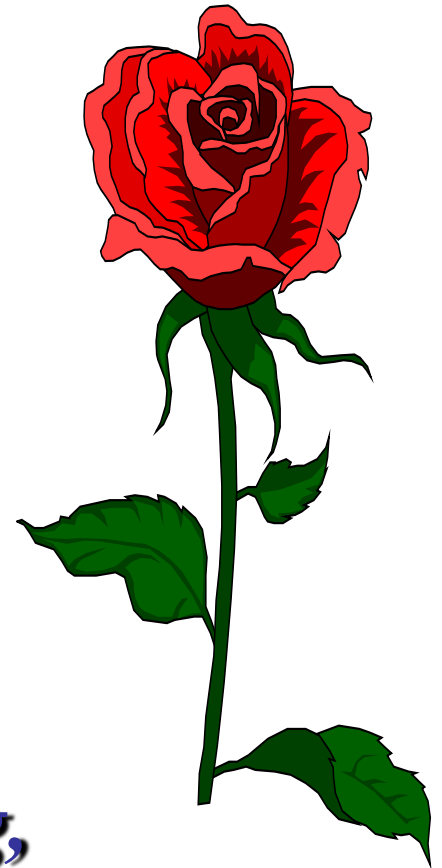
Rule 38: Postings and transfers:-

- ✓ Transfer to a post within the unit of appointment or within in the jurisdiction of local cadres.
- ✓ Appointing authority or any authority superior to appointing authority or any subordinate authority delegated such power.
- ✓ HoD from one unit to another unit where the Presidential Order does not apply including on tenure basis.
- ✓ All inter local cadres transfers in public interest and on reciprocal basis be made by Government only .

Rule 39: Savings:-



THANK YOU



by
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