

Background Material for DVD Course

# **ANDHRA PRADESH STATE AND SUBORDINATE SERVICE RULES**



**Dr. MCR Human Resource Development Institute of Andhra Pradesh**

Road No. 25, Jubilee Hills, Hyderabad - 500 033. Phone : 3548487, 3543727 Fax : (040)3548887



# Introduction

This handout on "A.P. State & Subordinate Service Rules" is prepared to help as a reference material. It is not the true text. of what is presented in the Digital Versatile (Video) Disc (DVD). In fact, the DVD reflects the position which existed by October 1999. Subsequent changes are broughtout in this handout bringing out important aspects of A.P. State & Subordinate Service Rules.

The handout contains two parts.

Part-I : Synopsis of the A.P. State & Subordinate Service Rules.

## **Contents covered by the synopsis are:**

1. Scope of the Rules
2. Method of Appointment
3. Qualifications and disqualifications for direct recruitment
4. Eligibility for promotion, and appointment by transfer
5. Selection and non-selection posts
6. Preparation of panels
  - (i) Promotion or appointment by transfer (instructions issued by Government)
  - (ii) Confidential reports to be considered
7. Appeals, Revision & Review.
8. Temporary appointment including direct recruitment and appointment by transfer
9. Time limits for joining posts
10. Special representation (Rule of reservation)
  - (i) Reservation for women
  - (ii) Extension of Reservation Policy

**11. Probation**

- Period which counts for probation
- Extension of probation
- Declaration of probation etc.

**12. Confirmation**

**13. Seniority**

**14. Postings and Transfers**

**15. Resignation**

**16. Relinquishment of rights**

**17. Reallotment of candidates**

**18. Language test in Telugu**

**19. Departmental tests**

**20. Relaxation of rules**

**Part-II : (a) Questions and answers as given in the DVD on AP State & Sub. Service Rules**

**(b) Exercise on Calculation of probation period**

# A.P. STATE AND SUBORDINATE SERVICE RULES

## PART - I

### SYNOPSIS :

#### 1. SCOPE OF THE RULES (Rule-1)

- i. The A.P. State and Subordinate Service Rules, 1996, were issued by the Governor of A.P. (G.O. Ms.No. 436 GAD (Ser.D) dt. 15.10.1996), in exercise of the powers conferred on him in proviso to Art. 309 of the Constitution of India. These rules are known as GENERAL RULES. They govern the Gazetted and Non-Gazetted posts under the State Government constituted into State and Subordinate Services, along with the special rules or adhoc rules issued by the Government with regard to each category or class of service, whether temporary or permanent.
- ii. If any of the provisions in these rules are contrary to any provisions in the special rules applicable to any service concerning any specific matter, then the provision in the special rules will prevail over these rules.

#### 2. METHOD OF APPOINTMENT (Rule 4)

- i. By any one or more of the following methods, as specified in the Special Rules of the concerned service.  
(a) Direct recruitment, (b) Promotion, and (c) By transfer (There can be appointment by contract, agreement, on compassionate grounds or re-employment also).
- ii. If the Special Rules indicate more than one method of appointment the cycle or order in which the vacancies shall be filled by different methods should be indicated.

- iii. Direct recruitment shall be made against substantive vacancies, which mean all vacancies in permanent cadre and all vacancies in the posts which have been in existence for more than five years. The percentage earmarked for direct recruitment should not be less than 30%.
- iv. The posts earmarked for direct recruitment in the Special/Adhoc Rules should be filled by direct recruits strictly and not by any other method.

### 3. QUALIFICATIONS AND DISQUALIFICATIONS FOR DIRECT RECRUITMENT (Rule 12)

- i. Academic qualification fixed for the post in the Special / Adhoc Rules.
- ii.
  - a. Sound health and active habits and free from any bodily defects or infirmity
  - b. Character and antecedents satisfactory.
- iii. Minimum age of 18 years. Maximum age mentioned in the Special Rules, if so mentioned; if not 33 years, (G.O. Ms.No. 336 GAD (Ser.A) dt. 30.07.2002) relaxed up to 5 years for SCs, STs and BCs and upto 10 years for physically handicapped. Relaxed upto 5 years of regular service in the case of those in State Government Service. For Persons who worked in armed forces they are allowed to deduct 3 years in addition to the entire service in the armed forces. For SCs and STs when limited recruitment is made relaxation upto 10 years is allowed. In no case it should exceed 45 years with regard to SCs and STs and 40 years for BCs.
- iv. Disqualifications : Canvassing or bringing influence, plural marriage not permissible under the personal law applicable to the candidate, dismissal from service previously and conviction in a criminal court.

### 4. ELIGIBILITY FOR PROMOTION / APPOINTMENT BY TRANSFER (Rule - 8) And Rule 12(3) (B)

Satisfactory completion of probation in the category in which he is serving and acquisition of requisite qualifications prescribed in the special rules, by the prescribed date.

## 5. SELECTION AND NON-SELECTION POSTS (Rule 5)

- i. (a) All first appointments/promotions/appointments by transfer to State Service (Selection posts) shall be made on grounds of merit and ability, seniority being considered only when merit and ability are considered approximately equal. Panels have to be prepared by the appointing authority or any other authority empowered in this behalf.
- (b) Departmental Promotion Committees have been constituted by Government for promotion to gazetted categories except to the 2nd level gazetted posts, which are within the purview of the APPSC, for which screening committee has been constituted by the government (items 12 and 12-A of Rule 2)
- ii. (a) Promotion/appointment by transfer to non-gazetted posts (non selection posts) shall be made in accordance with seniority-cum-fitness unless such a member of a service is given promotion or appointment by transfer has been withheld as a penalty.
- (b) List of eligible employees has to be prepared every year (1st September to 31st August of the succeeding year) by the appointing authority for non selection category posts, considering the record sheet and qualification prescribed for promotion and by transfer. (rule. 6(i)).

## 6. PREPARATION OF PANELS (Rule 6)

- i. The panel of approved candidates as referred to in item 5 (i) above, shall be prepared by the competent authority in consultation with the Departmental Promotion Committee (DPC) or APPSC as the case may be. The appointing authority shall make appointments from such panels in the order in which the candidates in such panel are arranged, in the order of their preference.
- ii. Panel of candidates for appointment by promotion and by transfer prepared by the DPC concerned shall be prepared ordinarily in the months of September of every year on the basis of estimate of vacancies made reckoning 1st September to 31st August of the succeeding year as the panel year and 1st September as the qualifying date. For preparation of panel the zone of consideration will be 1:3.

- iii. The validity of the panel is from 1st September of the year to 31st August of the succeeding year and the vacancies estimated to arise during that period only are to be considered for promotion of the eligible candidates. However, only for those vacancies which arose during the panel year, if there has been delay in issuing orders of appointment/promotions for any administrative reasons, orders of Promotion can be issued upto 31st of December of the year to the candidates from out of the panel already approved and not for the vacancies that arose after 31st August of the said year. (Govt. Memo. No. 11305/Ser-D/2000 GAD dt. 3.3.2000).
- iv. Review of such panel shall be after six months from the date of Preparation of the panel. The employee who appeared for the departmental special tests before 1st September which is the qualifying date for the Panel year and whose results were announced subsequent to the qualifying date shall be considered as eligible for consideration for inclusion in the panel by review, if meeting or the D.P.C./Screening Committee had already taken place. (Govt. Memo. No. 29114/Ser-D/99-3 GAD at 25.6.99).
- v. Panels need not be prepared if vacancies are not available for that particular year or where the appointing authority does not consider it necessary.
- vi. In the exigencies of administration the Government may however order preparation of panels as frequently as may be necessary.
- vii. Approved panels may also be reviewed by the appointing authority for purposes of inclusion of such of those candidates whose cases were deferred previously for being under suspension or due to pendency of disciplinary proceedings or criminal proceedings but subsequently exonerated, if found fit by DPC/APPSC concerned and for deletion of those who were subsequently placed under suspension or whose work and conduct has come up for adverse notice after their inclusion in the Panel.
- viii. DPCs may undertake review when cases of the following nature are placed before them:
  - a. When eligible persons were omitted to be considered or ineligible persons were considered by mistake.
  - b. When a person's seniority was revised with retrospective effect.



- c. When procedural irregularity was committed by DPC, and
- d. When adverse remarks against a person have been subsequently toned down.
- ix. In cases where it is necessary to consult APPSC, (on the recommendation of screening committee) the panels have to be prepared similarly as above.
- x. Inclusion of a candidate's name in any panel shall not confer on him any right for appointment. (Rule 6(b))
- xi. Persons whose names have been included in the panel but who could not commence probation-their cases have to be considered afresh for the next year's panel along with other qualified candidates having regard to their relative merit and ability.

**CERTAIN INSTRUCTIONS ISSUED BY THE GOVERNMENT FOR PROMOTION OR APPOINTMENT BY TRANSFER :**

- i. Employees whose increments were withheld shall not be recommenced for promotion during the period for which the increments were ordered to be with held, w.e.f. the date of issue of the order imposing the penalty. (Circular Memo. No. 34633/Ser-C/99 dt. 4.11.1999)
- ii. Any minor penalty bars promotion or appointment by transfer for a minimum period of one year. Withholding of increment without cumulative effect bars promotion or appointment by transfer for the period for which increment is withheld, subject to minimum period of one year. If increment is with held with Cumulative effect Promotion or appointment by transfer for twice period for which increment is withheld.(G.O.Ms.No.342 Gad (Ser.C) dt. 4.8.97.
- iii. 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 G.A. (Ser.C) dt. 10.6.1999)

- iv. 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 DPC / Screening committee or on the qualifying date for preparation panel.

(G.O.Ms.No. 203 G.A. (Ser-C) dt. 5.5.1999)

- v. a) 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.

- b) Similarly, in the case of ACB, if enquiring is not completed and it is at the stage of preliminary enquiry the eligibility of a candidate for promotion may be determined without reference to such enquiry.

- c) Where enquiry by the ACB is completed and it is proposed to hold regular enquiry the case may be deferred.

(G.O.Ms. No. 187 GAD (Ser-B) dt. 25.4.1985)

### **CONFIDENTIAL REPORTS TO BE CONSIDERED**

- i. The DPC should assess on its own the suitability of officers on the basis of their service record, considering the confidential reports for equal number of years in respect of the officers considered, particularly for the last five years out of the preceding eight years. Where one or more CRs have not been written during the relevant period the DPC should consider the CRs for the preceding periods in question.
- ii. In case of direct recruit having less than 5 years of service, CRs for not less than three years should be taken into account.
- iii. If an officer is working in a next higher grade the CRs earned, in that grade may be considered but no extra weightage may be given merely on the ground that he has been officiating in the higher grade (G.O.Ms. No. 291 GAD dt. 3.4.90).

- iv. Adverse remarks in CRs not communicated to the person concerned should not be taken into consideration.
- v. Where adverse remarks in the CRs are toned down or expunged subsequent to consideration by the DPC, the case of such person would be brought before the same DPC for review.
- vi. The DPC should not be guided merely by the overall grading, if any, that may be recorded in the CRs but should make its own assessment on the basis of the entries in the CRs.

## 7. APPEAL, REVISION AND REVIEW (Rules 23, 24 and 25)

- i. Appeal, against an order of promotion can be made within 6 months from the date of such order to an authority which can entertain appeal against dismissal.
- ii. The power of revision can be exercised by the Government or by the Head of the department on their own motion at any time or application by the aggrieved person within a period of 6 months from the date of Promotion of his junior. Persons affected by such revision shall be given an opportunity of making representation against the proposed revision before an order of revision is passed.
- iii. The Government may on their own motion or otherwise review any original order passed by them, if it was passed under any mistake of fact or for any other sufficient reasons. The persons who will be affected by such review should be given an opportunity before an order is passed.

## 8. TEMPORARY APPOINTMENT (Rule. 10) (Including Direct recruitment, Promotion and Appointment by Transfer)

- i. When it is necessary to fill up a vacancy emergently in public interest, in a post borne in any cadre of service and if filling up of such vacancy in accordance with the rules is likely to cause undue delay, the appointing Authority may appoint a person temporarily, otherwise than in accordance with the rules, either by direct recruitment or by promotion or appointment by transfer, as may

- be specified as the method in respect of the post in the special rules. (Formats to be adopted for temporary appointment by transfer were prescribed in Govt. M.O. No. 1054/Ser-A/85-2 GAD dt. 6.3.1986).
- ii. Only the persons having the qualifications can be so appointed. When qualified persons are not available, unqualified persons can be appointed who will be replaced by qualified persons as soon as possible, when such qualified persons are available.
  - iii. A person so appointed has no preferential claim to the post in future, He shall not be regarded as probationer.
  - iv. The appointing authority can terminate the service of the person if appointed temporarily by direct recruitment or revert him to a lower post if promoted/appointed by transfer, at any time, without notice or assigning any reasons therefore.
  - v. The practice of making incharge arrangements on own scale of pay of the incumbent is discouraged. Whenever filling up of vacant post is considered expedient in the exigencies of administration, action has to be taken by the concerned appointing authority to fill up the post following the relevant special/ adhoc rules duly placing proposals before the DPC/APPSC as the case may be or by making full additional charge arrangements provided for in the FRs.
  - vi. Person appointed temporarily is not eligible for an increment in the time scale of pay applicable unless he passes the test, or completes the training or acquires the qualifications prescribed in the special rules, as a condition for grant of increment.

## 9. TIME LIMIT FOR JOINING POSTS (Rule 11)

- i. **Direct recruitment** : 30 days from the date of despatch of the order of appointment by registered post with acknowledgement due. If he fails to join within the stipulated period of 30 days, the offer of appointment shall be treated to have been cancelled and the name of the candidate shall be deemed to have been omitted from the list of approved candidates.

- ii. **Otherwise than by direct recruitment** : 15 days from the date of receipt of the order of appointment sent by R.P. Acknowledgement due or by other means. If he fails to join within the stipulated period of 15 days or evades to join the new post by proceeding on leave, he shall forfeit his appointment both for present and future for that post. (G.O.Ms.No. 340 G.A. (Ser-D) dt. 23.7.1999)

## 10. SPECIAL REPRESENTATION (Reservation) (Rule22)

- i. A feature of direct recruitment to any service is giving special representation in services to the socially backward class of citizens. This is as a measure of social justice backed by certain important Constitutional provisions viz Art. 15(3) and (4), 16(4) and 335 of the Constitution of India.
- ii. The benefit of reservation is available in A.P. State in favour of scheduled castes, scheduled tribes, backward classes, women, physically handicapped, ex-servicemen, meritorious sportsmen and such other categories as may be prescribed by the Government from time to time and in the manner specified in the General Rules or Special rules. Communities belonging to SCs and STs and BCs already notified, can be seen in schedule-I appended to the rules.
- iii. The principle of reservation shall apply in all appointments to a service class or category :
  - a) By direct recruitment, except when the Government by a general or special order made in this behalf, exempt such service, class or category.
  - b) Otherwise than by direct recruitment, where the special rules lay down specifically that the principle of reservation in so far as it relates to SCs, STs only shall apply to such services, class or category to the extent specified therein.
- iv. a) In a unit of 100 vacancies the present policy of reservation in appointments for various categories is as follows :

S.Cs - 15%, STs - 6%, BCs - 25%

(Among SCs : SC(A)...1%, SC(B)...7%, SC(C)...6%, and SC(D)...1%, Total... 15%)

(Among BCs : BC(A)...7%, BC(B)...10%, BC(C)...1%,and BC(D)...7% Total... 25%)

b) Out of the remaining 54 vacancies to be filled by open competition, if the Special Rules provide for appointment of Physically handicapped...3%, Ex. servicemen-2%, and Meritorious sportsmen one percent, respectively.

v. These appointments, which are to be made in the order of rotation in a unit of 100 vacancies are watched through the rosters prescribed. Rosters should be maintained for each category, class, category of service, whether regular or temporary. As per the existing policy, the points reserved for various categories in the roster (out of 100 prints) are as follows :

STs 8, 25, 33, 58, 75, 83...(6)

SCs:

SCs(A) 2 (1)

SCs(B) 7, 22, 41, 62, 72, 87, 97...(7)

SCs(C) 16, 27, 47, 66, 77, 91...(6)

SCs(D) 52 (1) Total ....(15)

} As per G.O. Ms.  
No. 116 S.W. (C.W-1)  
dt. 10-12-99

BCs:

BC(A) 4, 20, 29, 45, 54, 70, 79 ...(7)

BC(B) 10, 24, 35, 49, 60, 74, 81, 85, 5, 99 ... (10)

BC(C) ... 14 ... (1)

BC(D) 18, 39, 43, 64, 68, 89, 93 ...(7), (total - 25)

Total reservation - 46

Out of the balance of 54 (to be filled by open competition); if Special rules Provide:-

i) Physically Handicapped : 6, 31, 56 (3)-(6-Visually; 31-Hearing, 56-Orthopedically handicapped) - (3)

ii) Ex. Servicemen : 12, 37 -(2)

iii) Meritorious sportsmen : No particular point reserved for one percent. To be filled against next available OC vacancy.

(O.C vacancies are to be filled on the basis of merit - they are not reserved for any one)

- vi. a) If in any recruitment, qualified candidates belonging to SCs, STs, BCs (all 4 groups) including women in these categories are not available for appointment to any or all the vacancies reserved for them, a limited recruitment confined to candidates belonging to that category shall be made immediately after general recruitment to select and appoint qualified candidates from among the persons belonging to these categories to fill such reserved vacancies.
- b) Even after conducting limited recruitment, any of the vacancies reserved for S.Cs, S.Ts, B.Cs, (all 4 groups) and women still remain unfilled for want of qualified candidates, such vacancies/vacancy may be allotted to open competition only after obtaining orders of the Government.
- c) Equal number of vacancies if so filled up by OC shall be carried forward for three consecutive years. Such vacancies form additional vacancies in addition to the vacancies which arise for such persons during those years and they have to be filled up first.
- d) During the 3rd succeeding year S.C. vacancies by S.Ts and S.T. vacancies by SCs can be filled, if qualified candidates in the respective groups are not available.
- e) Similarly in B.C if qualified candidate of a particular group is not available, vacancy will accrue to the next group (G.O.Ms.No. 65, GA (Ser.D) dt. 15.2.97).
- f) If Govt. do not permit as mentioned in (vi) (b) above they become backlog vacancies, for which efforts are made by the Govt. to fill them.
- g) According to the orders issued in Paras 5 of G.O.Ms. No. 116 Social Welfare (CV.I) Dpt. dt. 10-12-99 if eligible candidates for public appointments or posts are not available to fill the posts reserved for them (sub castes A,B, C and D) in the roster points as specified ... it shall be filled in by the candidates belonging to the next group of schedule castes communities...

**Note :** If any eligible candidate of scheduled castes - A is not available, the roster point may be filled by a candidates of scheduled castes - B and so on and so forth. In the case of women candidates also in the roster point fixed for schedule castes - A (women), if an eligible women candidate is not available the roster point may be filled by a women candidate belonging to the schedule castes - B group and so on and so forth.

"If no eligible schedule castes candidate (including women candidates) belonging to any of the scheduled castes.... is available then the vacancy shall be carried forward and shall not be filled by a candidate belonging to any other community other than the scheduled castes in accordance with the rules or instructions issued by the Government in this regard".

- vii. Persons belonging to SC, ST, BC, Women, PH and Ex-Servicemen shall be considered for open competition vacancies on the basis of merit and the number of appointments reserved for those categories shall not be affected when they are so selected to OC vacancies.
- viii. At no selection for recruitment other than any limited recruitment made, the No.of reserved vacancies including additional vacancies reserved shall exceed 52% of the total No of vacancies for selection and all vacancies in excess of 52% of the Total No.of vacancies for which recruitment is made on any particular occasion shall be treated as unreserved.

Provided further that the carry forward vacancies and current reserved vacancies in a recruitment shall be available for utilisation even where the total No.of such reserved vacancies exceed 52% of the vacancies filled in the recruitment, in case the overall representation for SCs and STs BCs (all 4 groups) and women in the total strength of the concerned grade or cadre, has not reached and the prescribed percentage of res. of 15% for SCs and 06% for STs, 07% for BC(A), 10% for CB(B), 01% for BC(C) and 07% for BC(D), respectively (rule 22(i)).

- ix. Where there is only a single solitary post borne in the class or category of service, the rule of special representation shall not apply for appointment to such post (rule 22(j)).



- x. In respect of appointments by promotion or recruitment by transfer from subordinate service in state service, where such appointments or recruitment by transfer is made on the principle of merit and ability seniority being considered only when merit and ability are approximately equal, the claims of any member of the SCs and STs shall be considered for such appointment on the basis of seniority subject to fitness. However, a member of the SC or ST possess superior merit and ability he shall be allowed to supercede not only others but also the members of SCs and STs as the case may be (Rule 22(k)).

## RESERVATION FOR WOMEN (Rule 22-A)

33.1/3% reservation in all categories of posts in OC., SC, ST, BC (all 4 groups), PH and meritorious sportsmen quota where men and women are equally suitable. The posts for which they are better suited than men, preference shall be given to them. Posts which are exclusively reserved for being filled by women they shall be filled by women only.

### **Roster points fixed for Women in each category against the points shown at page 10 and**

- a. SC : SC(A) - 2 ( to the alternated), SC - (B) - 7, 62, SC(C) - 16, 66 and SC (D) - 52 (to be alternated).

Note : The points shown against SC (A) and (D) to be filled by women belonging to that category alter natively as specified in Sec. 3 of A.P. Scheduled castes (Rationalisation of Reservation cordinance, 1999 (Ordinance 6 of1999)

- b. ST : 8, 58

B.C :

- c. B.C : (A)..4, 45, BC(B) ...10, 49, 81, 99, BC(C) ...14 in every third 100 points roster and BC(D) ...18,64

- d. Physically Handicapped : (G.O.Ms.No. 72 Women Development and Child Welfare Dept.. (W.H.Desk) dt. 5.8.97)

6th point for visually handicapped women in the 1st 100 points roster cycle.

31st Point for hearing handicapped women in the second 100 points roster cycle.

56th point for orthopedically handicapped women in 3rd 100 points roster cycle.

- e. OC... 1, 6, 12, 17, 23, 30, 34, 38, 44, 50, 55, 59, 65, 71, 78, 84, 90, 96
- xi. The appointing authorities are responsible for proper implementations of the reservation policy and any violations will be viewed seriously by the Government, resulting in severe disciplinary action.

## EXTENSION OF RESERVATION POLICY

Other than Government departments the rule of reservation has to be followed in the following organisations :

- a. All companies and corporations under the control of the Industries and Commerce Department of the government.
- b. All subsidiaries of the Government and Government undertakings.
- c. All joint venture undertakings where government or government undertakings have 31% or more of the share holding.
- d. Joint ventures where the government undertakings have 26% or more of share holding, but do not have majority in shares are advised to follow the rule as far as possible.
- e. Also local bodies and universities, voluntary organisations receiving grant in aid from Government and private educational institutions.
- f. Village officers.
- g. Appointments of work charged and contingent staff except those required for emergencies like accidents, flood relief, restoration and relief etc.

- xii. **ENFORCEMENT MACHINERY** : The government appointed inspecting Asst. Commissioners in the Social Welfare department with supporting staff to ensure scrupulous implementation of the reservation policy and other concessions provided for SCs/ STs/ BCs. They are empowered to inspect all government offices, local bodies, statutory corporations, PSUs, Cooperative institutions, Marketing Committees etc., for verifying the implementation of the rule of reservation and submit detailed reports as to how it is being implemented pinpointing the lapses if any, on the part of the appointing authorities. The Employment Exchanges are also inspected by them to see whether, while sponsoring candidates interests of SC, ST, BCs are protected. Severe Disciplinary action will be taken against the appointing authorities for the lapses, if any, viewing the matter very seriously.

## 11. PROBATION (Rule 16)

- i. Probation means 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 or by transfer from another service is put on test for determining his fitness to hold the post in a service, class or category. Probationer means a member of a service, class or category who is on probation and yet to complete it. Approved probationer is one who has satisfactorily completed his probation in a service, class or category (rule.2)
- ii. **COMMENCEMENT OF PROBATION (Rule 16-a)**
- a. If appointed regularly in accordance with rules of the service from the date of joining duty or such other date as may be specified by the appointing authority.
- b. If appointed temporarily under rule 10 i.e., otherwise than according to rules and subsequently appointed to the same post in accordance with rules-from the date of his subsequent appointment or from an earlier date as the appointing authority may determine, subject to the condition that his commencement of probation from an earlier date shall not adversely affect any person who has been appointed earlier or simultaneously, to the same service, class or category in the same unit.

- c. A person appointed to a service otherwise than by direct recruitment, shall be deemed to have commenced probation from the date from which he has been continuously on duty in such service for a period of not less than 60 days from the date of joining duty having been appointed on regular basis in accordance with the rules.

This rule will not apply to those who are appointed in consultation with the APPSC or DPC or any other agency for recruitment specified by Government (Rule 16(b))

**iii. PERIOD OF PROBATION**

- a. Every person appointed by direct recruitment to any post shall be on probation, from the date on which he commences probation, for a period of two years within a continuous period of three years.
- b. Every person appointed to any post by promotion or by transfer shall be on probation from the date on which he commences probation, for a period of one year within a continuous period of two years (Rule 16(c))
- c. Whenever a continuous period of duty is prescribed as probation in the service rules, leave taken by a probationer constitutes a break in the continuity of probation (Annexure XII to FRs)

**iv. PERIOD WHICH COUNTS TOWARDS PROBATION**

- a. Entire service put in that category of service.
- b. Service in a higher category of the same service or class or in any other service (State or Subordinate) to the extent of the period of duty performed by him in the latter service, during which he would have held the post in the former service but for such appointment in the latter service.

**v. PASSING OF TESTS DURING PROBATION (RULE 16-e&f)**

- a. If a person is required to pass the prescribed tests or acquire any qualification as prescribed in the special rules, within the period of probation he should do so, failing which the

appointing authority may either extend the probation or discharge him from service.

- b. If the results of the tests to be passed, which the probationer has appeared, are not known before the expiry of the prescribed period of probation or extended period of probation he shall continue to be on probation until the results of such tests or examinations are published.
- c. Any delay in the issue of an order discharging a probationer shall not entitle him to be deemed to have satisfactorily completed his probation.

**vi. CHANGE IN THE DATE OF COMMENCEMENT OF PROBATION**

A probationer who fails to pass the prescribed tests or acquire the special qualifications prescribed within the period of probation or within the extended period of probation and whose probation is further extended by Government till the date of his passing such tests or acquiring such qualifications, shall be deemed to have commenced probation w.r.t. the date to be fixed by the Government which would be anterior to the date of his passing the tests or acquiring such special qualifications. However, 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. w.e.f. the date so fixed. This sub rule shall not apply in the cases of persons appointed to a class or category or grade in a service prior to 9-3-81 and whose seniority in the said class, category or grade was fixed under the then sub rule(b) of rule 33 prior to the said date (rule 16h).

**vii. SUSPENSION, TERMINATION AND EXTENSION OF PROBATION (RULE 17)**

- a. If the probationer fails to pass the prescribed tests or acquire the prescribed qualifications the appointing authority may extend his probation to enable him to pass the tests or acquire special qualifications prescribed, as the case may be not exceeding one year whether on duty or otherwise in such service, class or category, in which case his increment is postponed until he completes his probation. Such postponement of increment is not a penalty and shall not affect future increments after he completes probations.

- b. At any time, before or after the expiry of the period of probation the appointing authority may extend the probation by not more than one year in case it is not extended as stated above (for not passing of tests etc.) or terminate the probation and discharge the probationer from service, after giving him one month's notice or one month pay in lieu thereof of such notice, on account of unsatisfactory performance of duties or unsatisfactory conduct or for any other sufficient reason to be recorded in writing. (Termination of probation is not considered as a penalty).
- c. At any time before the expiry of the prescribed period of probation, the appointing authority may suspend the probation of the probationer and discharge him for want of vacancy.
- d. If the special rules prescribe postponement of increments as a penalty for failure to pass a special test or acquire a special qualification and if the person concerned has reached the maximum of the time scale of pay applicable to him, it will render him liable to the penalty of reduction to the next lower stage in the time scale of pay.
- e. Appeal against discharge of probationer under sub item (v) (a) above can be made within 30 days from the date of receipt of the order of discharge, to the authority to which an appeal would be against an order of dismissal passed by the competent authority. Such an authority, either on its own motion or otherwise revise any order discharging the probation within one year of the date of such order.
- f. When probationer is restored to service on appeal, the period on and from the date of discharge to the date of restoration, shall be treated as laid down in rule 17 (e) (iii) and (iv).

**viii. DECLARATION OF PROBATION (Rule 18)**

- a. At the end of the prescribed period of probation the appointing authority shall consider the probationer's suitability for satisfactory declaration of probation and issue an order to that effect if the service is satisfactory during the period of probation. The decision to declare the satisfactory completion of period of probation or to extend or discharge

him should be taken within a period of 8 weeks of the expiry of prescribed period of probation. The appointing or higher authority shall communicate the lapses on the part of the probationer well in advance to the expiry of period of probation so that he may rectify such lapses, (rule 18(b)(i)).

- b. If the probationer fails to give satisfaction to the appointing authority which should be based on the work and conduct or if he has not made use of the opportunities given to him, the appointing authority can discharge the probationer after giving one month's notice, as already mentioned above.
- c. The competent authority shall assess the outlook, character, ability, and aptitude for the work of the probationer before the probation is declared. If no order of satisfactory declaration of probation is issued (when all conditions are satisfied) even after one year of completion of probation or extended period of probation, the probationer shall be deemed to have satisfactorily completed his probation with retrospective effect from the date of expiry of the prescribed or extended period of probation and a formal order to that effect may be issued for purpose of record,.

However, this deeming provision will not apply if charges have been communicated to the probationer during the period of probation or the period of probation extended or for failure to pass the prescribed tests or acquire the qualifications required, within the period of probation (rule 18(b) (ii) ).

- ix. The power exercisable by the appointing authority, other than State Government can be exercised by any higher authority to whom such authority is administratively subordinate whether directly or indirectly (rule 20).

## 12. CONFIRMATION (Rule 21)

- i. Soon after a person is declared or deemed to have satisfactorily completed his probation, he shall be confirmed as a member of that service to which he has been appointed initially i.e., for the first time, by the appointing authority.

There is no need to have vacancy in a permanent post.

- ii. During his entire service, a person shall be confirmed only once, i.e. in the initially recruited service irrespective of the fact whether he is promoted within the same service or appointed by transfer to any other service, from time to time.

### 13. SENIORITY (Rule 33)

- i. The seniority of a person in a service, class or category or grade is determined by the date of his first appointment to such service, class or category or grade (rule 33 (a)).
- ii. At the time of passing an order appointing two or more persons simultaneously to a service, the appointing authority may fix either for the purpose of rule of reservation in appointment or for any other reason the order of preference among them. When such an order has been fixed seniority among them shall be determined accordingly (rule 33(b))
- iii. Whenever a 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 (Rule 33(c)).
- iv. Where a member of a service, class or category is reduced to a lower service, class or category for a specific period -
  - a. If such reduction does not operate to postpone future increments, the seniority of such a person, on repromotion shall, unless the term of the order of punishment provides otherwise, be fixed in the higher service, class or category at which it would have been fixed but for his reduction.
  - b. If the reduction operates to postpone future increments, the seniority of such a person on repromotion shall, unless the terms of the order of punishment provide otherwise, be fixed giving credit for the period of such service earlier rendered by him in the higher service, class or category (Rule 33 (e)).



- v. The seniority of a retrenched employee on reappointment shall be determined in accordance with the date of reappointment (Rule 33(f))
- vi.
  - a. The seniority of person transferred on his own request from one unit of appointment to another unit of appointment on administrative grounds, shall be determined w.r.t. the date of his seniority in the former unit (Rule 35(a))
  - b. The seniority of a person who is a transferred on his own request from one unit of appointment to another unit of appointment , shall be fixed w.r.t. the date of his joining duty in the later unit of appointment (Rule 35 (b)).
- vii.
  - a. The Seniority of the persons selected by the APPSC or other selection authorities, by direct recruitment, shall be w.r.t. their ranking assigned irrespective of their date of commencement of probation in that category (Rule 36(i))
  - b. The seniority of the person promoted or appointed by transfer including probationer shall be w.r.t. the dates from which they were placed on probation and if the dates of commencement of the probation is the same, whoever is aged shall be senior (Rule 36(ii) and (iii)).
  - c. In respect of persons appointed by transfer on administrative grounds seniority shall be determined from the date on which he was placed on probation in the original department (rule 36 (iv) ) and in respect of persons on request transfer seniority shall be determined from the date of his joining in the new department / unit (Rule 36 (v)).
- viii. Appeal against seniority has to be made within 90 days from the date on which junior was promoted and as regulated by Rule 26.
- ix. The candidates recruited directly by the APPSC who are reallocated from one unit to another unit in accordance with rule 4(c) (see item No. 18) shall be assigned seniority below the 1st regular candidate in the concerned class or category in the unit to which he is reallocated (Rule 37).

- x. Seniority once fixed cannot be altered subsequently without notifying to the affected person and giving an opportunity to him to represent against the proposed action.
- xi. Interse seniority between direct recruits and promoters to a category of service has to be regulated as per the Instructions in Para 14 of circular Memo. No. 16 ser A 98-99 GAD dt. 21-4-1999 as follows :-

"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 a direct recruitment arose;

If an employee is Promoted to a Post earmarked for a direct recruit, his probation shall not be commenced from the date of his appointment into the slot earmarked for direct recruitment but shall be reckoned only from the date on which he would have occupied the vacancy meant for Promoter;

The interse 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 tense allowed for them to join as per rule - II of the Andhra Pradesh State and Subordinate Service Rules".

#### **14. POSTINGS AND TRANSFERS (Rule 38)**

- i. Transfer is an incidence of service and the power to transfer need not be treaced to any rules. It is also an implied condition of service and the appointing authority has a wide discretion in the matter. Government is the best judge to decide and to distribute and utilise the services of its employees.
- ii. Postings and transfers may be made to any post borne on the cadre of such service, subject to the provisions of the Presidential order, as the case may be.
  - a. If he is of a subordinate service within the unit of appointment, and
  - b. If he is of state service any where in the State (limited to territorial jurisdiction of the local cadres)

- iii. Transfers and postings shall be made by the appointing authority or such other authority subordinate to the appointing authority to whom such power had been delegated , within their respective jurisdiction, subject to units of appointment under the Presidential Order.
- iv. The Head of the Department may transfer a member of a service from unit of appointment to another unit appointment where the presidential Order is not applicable.
- v. In respect of members of the State service where Government are the appointing authority and the Head of the department which is competent to grant leave shall also be competent to issue reposting orders of such person on return from leave.
- vi. The State Government on its own motion or on a proposal made by the Head of the department, order for sufficient reasons, the transfer of members of State or subordinate service from the local cadres organised under the Presidential order, to office of the concerned Head of the department and offices notified under the said order as state level offices or special offices or major development projects and vice versa.
- vii. The appointing authority or any other authority superior to such appointing authority, require a member of the state or subordinate service to serve in any post borne on the cadre of any body wholly or substantially owned or controlled by Government.
- viii. Some guidelines issued by Government with regard to postings and transfers :
  - a. No Government employee may be transferred from one place to another before he serves there for a period of three or two years, as the case may be, except on grounds of promotion or as a measure of penalty or at his own request in very special cases.
  - b. Where any deviation from the guidelines has to be made, prior sanctions of the superior authority should be obtained before such transfer is affected. A monthly periodical report should be submitted by the competent authority to the Head of the department/Government. Deviation of these instructions result in disciplinary action (Govt. Memo. No.864/Ser.A/85-1GAD dt 3-7-85).

- c. With regard to posts identified as focal points employees should not be allowed to continue indefinitely in such posts in order to prevent malpractice and corruption.
- d. Posts shall be classified as highly preferred, preferred and normal, depending on the location of the posts in the offices situated in capital city / District head quarters / other places, respectively and employees shall be given postings to these places on rotation. (G.O.Ms.No.531, GAD(Ser.A)dept, dt 23-9-1989).
- e. If there is a grievance against a transfer ordered, an appeal can be made to the next higher authority (Govt.Memo No. 116 GAD (Ser.A) dt.21-2-90).
- f. Requests for transfer on medical grounds for self or spouse for cancer, heart operation, neuro surgery, bone, T.B., kidney transplantation treatment, have to be considered on selective basis for treatment to places where such medical facilities are available and not to be accepted as a matter of course. It should not be for focal posts (G.O.Ms. 236, GAD (Ser.A) dt.27-5-96).
- g. Employees who retire within one year may not be transferred from their places of working except on promotion or on own request or as a measure of penalty. (GO.Ms. 379 GAD (Ser.A) dt.29-8-96).
- h. First level gazetted officers, except those belonging to Police Dept. may be allowed to be posted to their native districts but not to local jurisdiction comprising heir native Mandal division (G.O.Ms.No. 418 G.A. (Ser.A) Dt.24.6.1991).

## 15. RESIGNATION (Rule 30)

- i. An employee may resign his appointment and this resignation shall take effect from the date of relief if he is on duty, after the acceptance of resignation of the competent authority.
- ii. If on leave, from the date of communication of order of acceptance or on the expiry of leave as decided by the appointing authority.

- iii. In other cases from the date of communication of orders of acceptance or resignations.
- iv. The resignation of the member of a service shall not be accepted against whom disciplinary proceedings are instituted under the C.C.A rules or investigation, enquiry or trial is initiated.
- v. Withdrawal of resignation after acceptance by the appointing authority is not permissible without the orders of Government.
- vi. An employee who resigns his appointment shall forfeit all his previous service under Government.
- vii. The person reappointed with the approval of the Government shall be treated as fresh entrant to Government service and the past service shall not be counted for any benefit or concession under any rule or order.
- viii. Where a member is selected by direct recruitment to another post, his lien or probationary rights in the original post shall be retained for a period of 3 years or until his probation is declared in that post. If he does not return to original post within 3 years, he shall be deemed to have resigned that post but however he is eligible for the benefits accrued to him for the past service.

## **16. RELINQUISHMENT OF RIGHTS (Rule 28)**

Any member of a service may relinquish any right or privilege to which he is entitled to, if in the opinion of the appointing authority such relinquishment is not opposed to public interest. Such relinquishment once made shall be final and irrevocable. However, conditional relinquishment of right for a temporary period is not permitted.

## **17. RELAXATION OF RULES (Rule 31)**

- i. Under rule 31, the Governor has the power to relax the rules or special rules in favour of any person or class of persons, in such a manner as may appear to be just and equitable to him where such relaxation is considered necessary in public interest or where the application of rule or rules is likely to cause undue hardship to the person concerned (rule 31)

- ii. The Head of the Department also has the power to relax any rule or rules in favour of any person or class or category of persons whose post or posts carry a scale of pay less than that of the junior assistant in his department in so far as it relates to transfer, promotion or the service conditions, in such a manner as may appear to be just and equitable in public interest and where he considers the application of such rule or rules would cause undue hardship to the person or persons concerned. However, such relaxation cannot be granted in regard to appointment by transfer of a person who is not qualified for appointment to the post of junior assistant or equivalent post (rule 32).
- iii. The State Government may on their own motion or otherwise review the orders of relaxation issued or cancel such order within a period of six months from the date of such relaxation order, if it is found that the said order was passed under mistake of fact or law or in ignorance of any material or for any sufficient cause to be recorded in writing. Order cancelling the relaxation should not be issued without giving an opportunity to the person concerned of making representation against the proposed action (rule 32 - b).

## 18. RE ALLOTMENT OF CANDIDATES SELECTED BY APPSC

Should be with mutual consent of the appointing authorities concerned and with the consent of the APPSC. Such reallotment shall be strictly in conformity with the provisions of the A.P. Public Employment Organisations of Local Cadres and Regulations of Direct Recruitment Order, 1975 (rule 4 - c).

## 19. LANGUAGE TEST IN TELUGU (Rules 13 & 14)

- i. Every person appointed to a service shall, within the period of probation pass the language test in Telugu, failing which his probation shall be extended and increments in the time scale of pay shall be postponed without cumulative effect till he passes the test. Person who has not passed the test shall be allowed time till the expiry of a total three years period from the date of appointment by extending probation.

- ii. A person who has passed the SSC or its equivalent examination or any order higher examination with Telugu as the medium of instruction and examination or with Telugu as one of the subjects shall be exempted from passing the test. A person who crossed the age of 45 years is also exempted.
- iii. In G.O.Ms.No. 457 GAD (Ser D) dt. 5-11-1999 the following adhoc rule was issued :

"Not with standing anything contained in the Andhra Pradesh State and Subordinate Service Rules, 1996, the Andhra Pradesh Ministerial Service Rules 1998, the Andhra Pradesh General Subordinate Service Rules, 1995, and the Andhra Pradesh Last Grade Service Rules, 1992 as well as Andhra Pradesh Judicial Ministerial Service Rules and special rules of any service and any rules for the time being in force, in the matter of direct recruitment to be made on or after 1st January 2003, Candidates should pass in Telugu language of secondary school certificate standard, and in respect of the posts where the qualification prescribed is lower than the secondary school certificate. Such candidates shall secure a minimum of 50% marks in Telugu Language in the qualifying examination".

Further in G.O.Ms.No. 167 GAD (Ser. D) dt. 23-5-2000 it was ordered that those in service and not passed telugu test should pass it by 1st July 2001, except those who have completed 45 years of age.

## 20. DEPARTMENTAL TESTS

There is some misconception regarding exemption from passing the departmental tests to those who have completed 45 years of age. This has been clarified in the following adhoc rule issued in G.O.Ms. No. 225 Gl.Adm. (Ser-C) Dpt. dt. 18-5-1999 :

"Not withstanding anything contained in the Andhra Pradesh State and subordinate Service Rates or in the Special Rules or in adhoc rules, the government employees who have crossed 45 (forty five) years of age shall be exempted from passing the departmental tests prescribed in the Special Rules or adhoc rules for the purpose of promotion to the next higher category i.e. Promotion or appointment by transfer involving promotion to a post above the one held by him or her if they could not get even one promotion after their initial appointment.

Provided that the Person who already got a promotion once when no tests are prescribed for the higher Post, the exemption is not applicable to him or her if he or she is to be considered for further promotion to next higher category where tests are prescribed. (This adhoc rule is applicable from the Panel year 1997-98)

Provided further that the exemption is applicable in case of departmental tests or special tests only, where they are Prescribed as a pre requisite for Promotion and this exemption shall not be applicable where like technical or academic qualifications are prescribed for promotion to the next higher category of posts.

Provided also that the exemption shall not be applicable for declaration of Probation, where passing of departmental tests or special tests is a precondition for declaration of Probation.



## PART - II

# A.P. STATE AND SUBORDINATE SERVICE RULES

### (a) Questions & Answers :

1. How are Gazetted & Non Gazetted Services in AP constituted ?

A: According to Rule 1(b) of A.P. State & Subordinate Service Rules, Gazetted & Non Gazetted posts are constituted into AP State & Subordinate Service.

2. Which is the competent Authority to regulate recruitment and conditions of service of the persons appointed to Public Services?

A: 'Service' is a State subject. According to Art 309 of the Constitution of India acts of appropriate Legislatures, regulate recruitment and conditions of service of the person appointed to public services. In the absence of legislation under proviso to Art, 309 of the Constitution of India, the Governor is competent to issue rules regulating recruitment and conditions of service of the persons appointed to Public Services in the state.

3. How is appointment to Government Service made ?

A: By one or more of the methods indicated in Rule 4 i.e. Direct Recruitment, Promotion or Appointment by Transfer. Appointment can also be made on Compassionate grounds, Contract Basis, Agreement & Reemployment.

4. How is Direct Recruitment made to any service?

A: Against Substantive vacancies in accordance with the percentage indicated in the Special Rules of any service for which Direct recruitment is available. It should be not less than 30%. It is done by concerned recruiting bodies by examination and selection basis.

5. Are there any disqualifications for appointment to Government service ?

A: According to Rule 12 (4) of the State & Subordinate Service Rules there are four disqualifications :

- i) Canvassing or trying to enlist support (i.e. influence) for appointment
- ii) If Personnel Law applicable prohibits plural marriages
- iii) Dismissal from service
- iv) Conviction by a Court of Law

6. To Whom special representation i.e. reservation in service is available at present in AP ?

A: Reservation in Services in AP State is made for SC (4 categories) ST, B.C. (4 categories), Women, Physically Handicapped, Ex-Servicemen, Meritorious Sports Persons at present by Direct Recruitment. Unless such a provision is specifically provided in the Special Rules of any Service, it will not apply for promotion. If a specific provision is made in the Service Rules to this effect, it is applicable to SC & ST only in cases of Promotion.

7. How is reservation in recruitment made in AP State for women?

A: According to Rule 22-A of the State & Subordinate Service Rules, there are 3 types of reservations for Women :

- i) Posts reserved for women shall be filled by women only.
- ii) Posts for which women are better suited, preference is given to women. (eg : telephone operator)
- iii) Posts for which men & women are equally suited there shall be reservation for women to the extent of 33 1/3% in each category of SC, ST, BC, PH, Ex-servicemen and also in open competition.

8. What is to be done when required number of qualified candidates are not available and vacancies remain unfilled in a recruitment in the case of SC, ST, BC and Women ?

A: Limited recruitment has to be conducted in respect of such vacancies. Even after such limited recruitment, if some vacancies remain unfilled for want of qualified candidates, they can be filled up by open competition after obtaining permission of the Government, However, vacancies so filled in, should be carried forward for three consecutive years. If Govt. do not so Permit, they are treated as back log vacancies and action is taken by Govt. to fill up such posts by making special efforts.

9. What is the Roster point for Meritorious Sportsmen if the special rules of any service provide for appoint of such a person ?

A: No point is reserved for such a person in the Roster. In the 1% quota for meritorious Sportsmen, he can be appointed at the next available OC vacancy in the roster.

10. What are Selection and Non Selection Posts and how they are filled up or how appointment to these posts are made ?

A: According to Rule 5 all State Service Posts are selection posts & Subordinate Service Posts are non selection posts. Appointment to selection posts is made on merit & ability and when merit & ability are approximately equal, seniority is considered. Appointment to non-select posts is made on seniority-cum-fitness.

11. What are the essential pre requisites for promotion / appointment by transfer ?

A: Satisfactory declaration of Probation in the Service he is working, acquisition of prescribed qualifications, coupled with good record of service. The date of acquisition of requisite qualifications is 1st September of the year in which panel is to be prepared.

12. Which is the competent authority for preparation of panels for making promotion to the State services?

A: The Appointing Authority concerned will prepare panels of the approved candidates in consultation with the APPSC or Departmental Promotion Committees concerned. Second level

Gazetted Posts are within the preview of the APPSC and for the remaining levels of Gazetted Posts consultation with the DPCs concerned is necessary for posts within the perview of the APPSC, Screening Committee has been appointed by the goal.

13. What is the basis for preparation of Panels ?

A: Panels are prepared either by the DPC or the APPSC on the basis of the following information furnished to them by the appointing authority :

- i) Number of estimated vacancies
- ii) Qualified candidates arranged in their order of seniority
- iii) Personal files containing the latest Confidential Reports

14. What is the Panel Year and what is the life period of the Panel ?

A: 1st September till the end of August of the Succeeding year is the Panel Year. Panels are required to be prepared ordinarily in the month of September. Panels so prepared will be valid till end of December of the succeeding year for filling the estimated vacancies when there is delay in issuing order of promotion due to administrative reasons. Otherwise, valid upto 31st August of succeeding year.

15. How many years Confidential Reports are to be considered by the DPC or APPSC and what is the effect of the Adverse Remark in a particular years Confidential Reports ?

A: Confidential Reports for Preceding 5 years should be considered for all the Candidates uniformly. If any person is working in higher post weightage should not be given in that report :

- i) In respect of Direct Recruit atleast the last 3 preceding years have to be considered, if they have not 5 or more years of service.
- ii) Adverse remarks not communicated shall not be taken into account. If there is an adverse remark which is not expunged even after an appeal made against it, such a candidates chances will be adversely affected, while comparing relative

merits of qualified candidates, for whom, zone of consideration is 1 : 3.

16. What is the effect of minor punishment for promotion ?

A: Any Minor punishment bars a promotion for a minimum period of one year. Further, during the course of punishment nobody shall be recommended for Promotion.

17. What is effect of enquiries and disciplinary action on the qualified candidates ?

A : When enquires by the concerned Departmental Authority or by ACB are at the stage of Preliminary enquiry, that is prima facie case is not yet established, it should not come in the way of selection. If the candidate is otherwise found fit he can be promoted.

When charges are framed and the disciplinary case is in progress or when the candidate is under suspension, his case has to be deferred till the disciplinary case is disposed off. Similar is the case when a candidate is facing any criminal action in the competent court. If the departmental or criminal proceeding is finally disposed off and he is exonerated of the of the charges his case has to be referred to the DPC or APPSC concerned and if he is found fit he will be included in the Panel with retrospective effect.

18. Generally, in what circumstances a Panel already approved can be reviewed ?

A: A Panel already approved can be reviewed in the following cases:

i) After 6 months from the date of its preparation, a panel will be reviewed if an employee appeared for departmental or Special Tests before 1st September but whose results are announced subsequently in which he has passed and if he is found fit for promotion.

ii) In the case of candidate whose consideration is deferred due to pendency of departmental or criminal preceding and he is subsequently exonerated in such proceeding and he is found fit.

19. Under what circumstances Temporary promotions or appointments are made to a service and who are eligible ?

A: When vacancies are to be filled up emergently in Public interest and filling up of these vacancies in accordance with rules is likely to cause undue delay, the appointing authority may fill up vacancies temporarily by promotion, by transfer or by direct recruitment in accordance with the Special Rules relating to the posts, in the formats prescribed by the Government. Only qualified candidates can be so appointed. When qualified candidates are not available unqualified candidates can be appointed. Subsequently when qualified candidate is available unqualified candidate will be replaced by him.

20. What are the time limits prescribed for joining posts ? What will be the consequences if candidates do not join the posts with in the time limit ?

A: i) From the date of despatch of the order by registered post acknowledgement due a direct recruit should join within 30 days. Failure to join within this time limit, the offer of appointment will be treated as cancelled and his name will deemed to have been omitted from the list of selected candidates.

ii) From the date of receipt of the order by the registered post ack due, a person promoted or appointed by transfer should join within 15 days. Failure to do so or evading to join the new post will result in forfeiture of his appointment.

21. What is probation ? What will be the date of commencement of Probation ?

A: When a person is appointed to a service for the first time either by direct recruitment or by promotion or transfer, his fitness to hold the post is tested. The period during which his work is being observed or watched is probation. It can be called a period of test, trail, or observation :

Commencement of Probation -

i) If appointed regularly from the date of joining duty or such other date as may be specified by the appointing authority.

- ii) If appointed temporarily in the first instance and subsequently appointed to the same post regularly, from the date of regular appointment or from an earlier date determined by the appointing authority, subject to the condition that such earlier date of commencement of probation will not adversely affect those who are appointed earlier to him or simultaneously along with him to the same service.
- iii) In respect of a person who is appointed by promotion / appointed by transfer from the date or on the date from which he has been continuously on duty for a minimum period of 60 days.

22. What will happen if a Directly Recruited candidate fails to pass the prescribed tests within the Probation Period ?

A: The appointing authority may extend the period of probation in order to enable him to pass the tests or terminate the probation and discharge him from service. If the Government further extends the period of probation till the date of passing the tests, he will be deemed to have commenced the probation with effect from the date to be fixed by the Government, which would be anterior to the date of passing the tests. His seniority will be determined with effect from the date.

23. What action can be taken by the appointing authority for unsatisfactory performance and misconduct in the case of a Probationer ?

A: The appointing authority may either extend the period of probation or terminate the probation after issuing one month notice or one month pay in lieu there of.

24. When will the deeming provision apply ?

A: When the conditions prescribed for probation are satisfied and no order is issued even after one year of completion of probation or the extended period of probation, if any, such person's probation is deemed to have been completed on the date of completion of probation or date of completion of the extended period and formal order has to be issued for the purpose of record.

25. When can an employee be confirmed ? How many times he can be confirmed in his entire service ?

A: After satisfactory completion of probation an employee has to be confirmed in the initial post of appointment, with out considering the availability of vacancy in a permanent post. In the promoted category there is no need for confirmation. An employee will be confirmed only once in the entire service i.e. only in the initial post of appointment. Confirmation is not necessary in promoted posts.

26. How is the seniority of employee determined in service or cadre?

A: The seniority of an employee in a service class or cadre is determined from the date of regular appointment to that service class or cadre. Whenever notional date for promotion is assigned such notional date will govern the seniority.

The seniority of the persons selected by APPSC or other selection bodies for direct recruitment will be according to the rank assigned, irrespective of the dates of commencement of the probation. If appointments are made as per rule of reservation, roster seniority will prevail.

27. How is the seniority of those who are transferred on request and on administrative grounds from unit of appointment to other unit be determined ?

A: The seniority of a person who is transferred on request will be fixed with reference to his date of joining duty in the later unit of appointment. The seniority of the person who is transferred on administrative ground will be fixed in the later unit of appointment with effect from date of seniority in the original unit.

28. Can a Gazetted officer be posted to his native district?

A: First level Gazetted officers, except those in Police department be posted to their native district but not to their native Mandal or Divisions Other levels of Gazetted officers cannot be so posted.



29. When will the resignation tendered comes into effect and can it be withdrawn once tendered?

A: i) Resignation tendered takes effect after it is accepted by the competent authority and the person is relieved of his duty.

ii) Before resignation is accepted actually, resignation tendered can be withdrawn.

30. Under what circumstance relaxation of Rules will be made by the Governor in favour of a person in Government service?

A: Relaxation of rules will be ordered by the Governor in favour of a person in Government service in such a manner it may appear to him to be just and equitable, when a rule has caused undue hardship to the person concerned and also in public interest.

**(b) Calculation of Probation Period : (an exercise)**

A Junior Asst. was temporarily promoted as Senior Asst. on 10-3-1995 and reverted on 20-4-1995 for want of vacancy. Again he was temporarily promoted as Senior Asst. on 01-6-1995 and continued upto 30-9-1995 AN and reverted. He was promoted as Senior Asst. on 26-12-1995 due to promotion of 'B' a Senior Asst. as Superintendent. Since 'B' was reverted as Senior Asst. subsequently 'A' was reverted as Junior Assistant on 25-6-1996 AN due to 'B' joining as Senior Asst. Soon after he proceeded on leave upto 30-9-1996. Since he was again promoted as Senior Asst. after expiry of leave 'A' joined as Senior Asst. on 01-10-1996. However, he proceeded on leave from 01-11-1996 on medical grounds till 31-12-1996. After expiry of leave he joined as Senior Asst. on 01-01-1997 and from 20-1-1997 he was temporarily promoted as Superintendent in a long leave vacancy and continued as such till 31-5-1997.

On what date 'A' can be placed on probationary (i.e. commence probation) in the category of Senior Asst. and when can it be considered to have been completed. Please calculate.

**A. Probation Calculation**

'A' on temporary promotion worked from 10-3-1995 to 20-4-1995 as Senior Asst. Since a person promoted will be considered to have

commenced promotion only on a date from which he has been on duty for a minimum period of 60 days, he can not commence probation as Senior Asst. from 10-3-1995.

On the next spell on re-promotion as Senior Asst. from 01-6-1995 he worked till 03-9-1995, which is more than 60 days. Therefore, his probation may be commenced from 01-6-1995. Since he is a promotee his period of probation is one year within a continuous period of two years. Reversion period and leave periods will not count towards probation and hence they have to be excluded.

Service in a temporarily promoted post also counts towards probation in the lower post in which he is a probationer. His probation is calculated as follows:

Period which counts towards probation

|                               | Year     | Month    | Days     |
|-------------------------------|----------|----------|----------|
| 1) 01-06-95 to 30-09-95       | 0        | 4        | 0        |
| 2) 26-12-95 to 25-06-96       |          |          |          |
| a) December 95 (26th to 31st) | 0        | 0        | 6        |
| b) January 96 to May 96       | 0        | 5        | 0        |
| c) June 96 (up to 25th)       | 0        | 0        | 25       |
| 3) October 96                 | 0        | 1        | 0        |
| 4) 01-01-97 to 29-01-97       | 0        | 0        | 29       |
| <b>Total</b>                  | <b>1</b> | <b>0</b> | <b>0</b> |

The period from 01-06-96 to 29-01-97 that is one year is within the continuous period of two years. His probation can, therefore, be declared to have been satisfactorily completed in the cadre of Senior Asst. on 29-01-97 AN, if the conditions prescribed for probation are satisfied.

