To The Chief Secretaries of all States/Union Territories

Subject: - Pending case of Confirmation of retired IAS officers

Sir/Madam,

I am directed to say that rule 3-A of the Indian Administrative Service (Probation) Rules, 1954 envisages that where a probationer has completed his period of probation to the satisfaction of the Central government, he shall, subject to the other provisions of these rules, be confirmed in the Service at the end of his period of probation.

2. The gist of the executive instructions on the issue is given below:

- A probationer shall be confirmed at the end of his period of probation.
- The State Governments are required to forward the proposal for confirmation of a probationer as soon as the period of probation is over and not later than six weeks after the due date of completion of probation.
- Confirmation is not automatic, but is to be followed by formal order.
- Save for exceptional reasons, the period of probation should not be extended by more than one year and no member of the Service should by convention be kept on probation for more than double the normal period, i.e. four years.
- The decision for extending the period of probation should be communicated to the member of Service within six to eight weeks after the expiry of initial probationary period.
- The period of probation may be extended for such period as the Central Government may think fit in respect of a probationer who – (i) under suspension; (ii) has been charge sheeted/disciplinary proceedings finding, or (iii) against whom prosecution for criminal charge is pending.
- Delay in the confirmation of probationers results in non-drawal of increments. The State Government should, therefore, endeavour to forward the assessment reports, as soon as the probation period of the probationers is over and, in any case, not later than six weeks after the last date of the probationary period with their recommendations.
- It is not desirable that a member of the Service should be kept on probation for years. Save for exceptional reasons, the period of probation should not, therefore, be extended by more than one year and no member of the Service should, by convention, be kept on probation for more than double the normal period, that is, four years. Accordingly, a probationer, who does not complete
the probationers’ final examination within a period of four years, should ordinarily be discharged from the service.

3. As regards the officers appointed to the IAS by promotion/selection, Rule 5 of the IAS (Probation) Rules, 1954 inter alia provides that where a probationer does not undergo training within the period of probation or within the extended period of probation, as the case may be, he should be reverted to his substantive post in the State Civil Service.

4. It has been noticed that, despite clear rules/instructions, neither the proposals for confirmation nor for the extension of the period of probation are forwarded by the State Governments. This results in avoidable litigation as well as resentment amongst the officers. The worst affected are the retired officers, as for them, the service rendered in the IAS, which is not followed by confirmation, may not be taken into account for the purpose of retirement benefits. A list of such retired officers, who have not been confirmed, as per the records maintained in this Department, is enclosed.

5. This issue was examined in this Department and it has been decided that the members of the Indian Administrative Service who have retired without being confirmed, should be deemed to be confirmed as IAS officers for all purposes if no vigilance case is pending against them. Their retirement claims should be finalized by treating them as confirmed IAS officers, subject to the provisions of the All India Services (DCRB) Rules 1958. This decision may please be brought to the notice of the concerned Accountant General of your State to ensure that retired officers are not subjected to any harassment.

Yours faithfully,

(Chaitanya Prasad)
Director (Services)

Copy to:
1. Ministry of Home Affairs, North Block, New Delhi.
2. Ministry of Home Affairs (UTS Section), North Block, New Delhi.
4. NIC for placing on the website of this Ministry.