To

The Chief Secretaries of all States/Union Territories

Subject: Pending case of confirmation of 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 the 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) is 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 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, the proposals for confirmation are not being received in time from State Governments. There are cases where more than two years have elapsed after the due date of completion of the period of probation but neither the proposals for confirmation nor for extension of the period of probation have been received. This results in avoidable litigation as well as resentment among the officers. A list of such serving officers in respect of your State is sent herewith.

5. It is requested that the proposals for the confirmation of the officers mentioned in the enclosed list, complete in all respects, may be sent to this Department by 10th April, 2008, positively. Proposals of other officers, if any, left inadvertently in the enclosed list, may also please be forwarded. If the State Government finds that any of these officers is not fit for confirmation, the proposal for extension of the period of probation/reversion to the substantive post in the State Civil Service (for promotee officers)/discharge from Service (for RR officers) along with the detailed reasons should be forwarded to this Department by the stipulated date. If no response is received within the stipulated date, it would be presumed that the State Government has no objection to their confirmation and the officers have completed all the formalities required for confirmation of an IAS officer, including he mandatory Induction Training, and they are fit for confirmation. The Central Government will issue the notification confirming them in the IAS, subject to vigilance clearance.

6. If the officers mentioned in the enclosed list are subsequently found not to be eligible for confirmation due to any ground, as mentioned in rule 3 (3A) of the IAS (Probation) Rules, 1954, the onus will lie on the State Government as it is their responsibility to furnish the proposal for confirmation or the proposal for extension of the period of probation in time.

7. The above instructions are applicable to past cases only. The procedure for future cases is being outlined and will be circulated to the States separately.

8. It is also observed that the cases of officers appointed to the IAS by promotion/selection get delayed as they do not complete the mandatory induction
training. It is requested that the requisite arrangements for deputing them for training in time may please be made to ensure their confirmation within the time-schedule as prescribed in the rules/instructions.

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.