

## GOVERNMENT OF TAMIL NADU

### ABSTRACT

Public Services - Substantive appointment - Confirmation delinked from permanent vacancy - Confirmation only at the entry grade - Orders - Issued.

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### PERSONNEL AND ADMINISTRATIVE REFORMS (PER.S) DEPARTMENT

**G.O.Ms.No.176. Dated : 5.7.1994.**

#### Read :

1. O.M.No.18011/96 - Establishment (D) Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, dated 28th March 1988.
2. From the Tamil Nadu Public Service Commission's Letter No.3054/844/93, dated 28.9.1993.

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#### ORDER :

Rules 31 to 33 of the General Rules for the Tamil Nadu State and Subordinate Services, relate to confirmation (i.e.) full membership. An approved probationer shall be appointed to be a full member of the service in the class or category for which he was selected at the earliest possible opportunity in any substantive vacancy which may exist or arise is the permanent cadre of such class or category and if such vacancy existed from a date prior to the issue of the order of appointment, he may be so appointed with retrospective effect from the date or, as the case may be, from any subsequent date from which he was continuously on duty as a member of the service in such class or category provided that where more than one approved probationer is available for such appointment as full member, the senior must approved probationer shall be appointed. Confirmation is done in every category of service in which one sets as a regular member. The confirmation is related to availability of substantive vacancy in the post in which confirmation is to be made. In Rule 6 of the General Rules for the Tamil Nadu State and Subordinate Services, it has been stipulated that direct recruitment should be made only against substantive vacancies. But in practice approved candidates are allotted by Tamil Nadu Public Service Commission not only against substantive vacancies but also against temporary vacancies which exist for over 6 months. According to the definition in Part I of the Tamil Nadu State and Subordinate Services Rules, "Full Member" of a service means a member of that service who has been appointed substantively to a permanent post borne on the cadre thereof. With reference to General Rule 8, probationers and approved probationers who were recruited direct against substantive vacancy in such permanent cadre shall not be discharged for want of vacancies. Other probationers and approved probationers shall be discharged for want of vacancies in the order of juniority.

2. The Government after careful consideration have decided to delink confirmation from the availability of permanent vacancies and to make confirmation of Government servants at the entry grade as in the Government of India and to follow the following methods of confirmation. They accordingly issue the following orders :-

(i) Confirmation should be made only once in the service of an official which will be in the entry grade.

(ii) Confirmation is delinked from the availability of permanent vacancy in the grade. In other words, an officer who has successfully completed the period of his probation may be considered for confirmation.

(iii) As at present, the appointee should satisfactorily complete the probation.

(iv) A specific order of confirmation should be issued, when the case is cleared from all angles.

(v) On Promotion :

Since there shall be no confirmation on promotion, before an official is declared to have completed the period of his probation satisfactorily (wherever such probation prescribed), a rigorous screening of his performance should be made and there should be no hesitation to revert a person to the post or grade from which he was promoted if the work of the officer during probation was found to be not satisfactory.

(vi) Lien :

The concept of lien that entitles a Government servant to hold substantively a permanent post, shall undergo a change. Lien shall now represent only the right or title of a Government servant to hold a regular post whether permanent or temporary, either immediately or on the termination of the period of absence. The benefits of having a lien in a grade shall thus be enjoyed by all officers who are confirmed in the grade of entry or who have been promoted to a higher post declared as having completed the probation where it is prescribed or those who have been promoted on regular basis to a higher post where no probation is prescribed under the Rules, as the case may be. The above right / title shall, however, be subject to the condition that the junior most person in the grade shall be liable to be reverted to the lower grade if at any time the number of persons so entitled is more than the posts available in that grade. (For example, if a person who is confirmed or whose probation in a higher post has been declared as having been completed or one who is holding a higher post for which there is no probation on a regular basis, reverts from deputation or foreign service and if there is no vacancy in that grade to accommodate him, the junior most person in the grade applicable to the post shall be reverted. If, however, this officer himself is the junior most, he shall be reverted to the next lower grade from which he was earlier promoted.)

(vii) Pension :

Since all the persons who complete probation in the first appointment shall be declared as permanent, the present distinction between permanent and temporary employees for purpose of pension and other pensionary benefits shall cease to exist.

(viii) Seniority :

Since there is confirmation in the entry grade, seniority shall continue to be determined on the basis of confirmation in that grade.

3. The revised procedure relating to confirmation outlined above shall not apply to the cases appointments made on adhoc basis, i.e., it is only the appointments made on regular basis which shall come within the purview of these instructions. Persons appointed against the posts in purely temporary organisations are outside the purview of the revised procedure outlined in the above instructions.

4. The Departments of Secretariat may be requested to take necessary action to amend all the relevant rules separately.

(BY ORDER OF THE GOVERNOR)

**A.M. AHMED,**

**SECRETARY TO GOVERNMENT.**

To

All Secretaries to Government, Madras-9.  
All Departments of Secretariat, Madras-9.  
All Heads of Department included District Collectors / Judges / District Magistrates.  
The Secretary, Tamil Nadu Public Service Commission, Madras-2. (w.e.).  
The Registrar, High Court, Madras-104. (w.e.)  
The Registrar, Tamil Nadu Administrative Tribunal, Madras-6.  
The Accountant General I, Madras-18.  
The Accountant General II, Madras-18.  
The Pay and Accounts Officer (North), Madras-79.  
The Pay and Accounts Officer (South), Madras-35.  
The Pay and Accounts Officer (East), Madras-5.  
The Pay and Accounts Officer, Madras-9.  
The Accountant General (CAB), Madras-9.  
The Director of Treasuries and Accounts, Madras-35.  
All Sections in Personnel and Administrative Reforms Department, Madras-9.  
All Recognised Service Associations.  
The Finance (BPE) Department, Madras-9.

| FORWARDED | BY ORDER |

(Sd.)

**SECTION OFFICER.**

