

PROBATION

AND

SENIORITY

- **PROBATION**

- **The period during which a fresh entrant to service or a person appointed to a higher post or 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 .**
- (Defined under Rule 2 (24) of A.P. State & Subordinate Service Rules, 1998)
- **Rule 16, 17, 18, 19, 20 of A.P. State & Subordinate Service Rules, 1998 deals with PROBATION:**

- **16(a)** Commencement of probation for direct recruit: from the date of joining duty or such other date as may be specified by the appointing authority.
- **16(b) Minimum service for commencement of probation: A period not less than 60 days from the date of joining duty after having appointed on a regular basis in accordance with rules.**

- **16(c) Period of probation:**

(i) For direct recruits: Two years on duty within a continuous period of three years.

(ii) For promotees/ appointees by appointment by transfer: One year on duty within a continuous period of two years.

(iii) Service in higher category in the same service counts for probation in the lower category.

16(d) Where no provision is made in special rules for probation, the provisions in this part shall be construed as if the expression probation and probationer/ approved probationer mean officiating service and person officiating service and person officiating respectively.

16(e) Must Pass tests/acquire special qualifications if so required under these rules or special service rules.

16(f) (i) Failure to pass test/acquire any qualifications, if the probation is not extended under Rule 17(b) such employees shall be discharged.

16(f) (ii) If the results of the test in which the probationer appeared for the Test, such probationer shall be continued till the publication of such results.

16(f) (iii) In case such probationer fails to pass in such test such probationer shall be discharged from service.

(g) Exemption : A probationer before commencement of probation already passed the tests/acquired qualification prescribed in the special rules, he shall not be required to acquire such qualifications or pass or to pass such special test again after commencement of probation..

16 (h) Change of date of commencement of probation:
A probationer who does not pass the prescribed tests/acquired special qualifications within the period of probation or extended period of probation under Rule 17 or under Rule 31 , till the date of his passing such test or acquiring qualifications shall be deemed to have commenced the probation with effect the date to be fixed by Government, which would be anterior to a date to his passing such test or acquiring special qualifications, so , 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 probationers shall be determined with reference to the date so fixed (w.e.f. 9-3-1981)

Under Rule 17:

Probation can be suspended for want of a vacancy.

Probation can be terminated for unsatisfactory work or for failure to pass the prescribed tests.

Probation can be extended in case of failure of passing tests.

- Rule 18: A decision as to extend/suspend or discharge from service should be taken within 8 week on expiry of probation period.
- If no such order is passed with in 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.
- In case of charges pending, the above position does not apply

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

a) A vacancy shall not be filled by a person who has not yet commenced his probation when approved probationer or probationer is available.

b) i) Discharge of a Probationer or Approved Probationer:

A probationer or an approved probationer shall be discharged for want of vacancy in the order of juniority.

c) When lien is not terminated in case of leave, foreign service or deputation, an approved probationer is entitled for re-appointment and promotion and seniority in the parent department as if he is not absent from service .

20. The powers exercisable by appointing authority other than State Government may be exercised by any higher authority to whom such appointing authority is administratively subordinate whether directly or indirectly in the following cases:

- 1) Discharge of probationer under Sub rule (f) of R -16 or clause (ii) of sub rule (a) of Rule 17 and
- 2) Extension of probation under sub rule (a) of (b) of Rule 17

Any leave other than Optional holidays and casual leave availed during probation do not count for probation. Public holidays and optional holidays prefixed or suffixed to such leave also do not count as duty for probation. (G.M.No. 16888/64-2 GAD dt. 4-7-1964).

When notional promotion is assigned such notional date shall be computed for qualifying service in feeder category for promotion and such notional service shall be counted for declaration of probation in the feeder category. (Rule 33 (c) .

Every person appointed shall pass language test in Telugu with in probation period failing which probation shall be extended and increments shall be postponed without cumulative effect till he passes the test. (Rule 13)

A person who completes 45 years of age is eligible for exemption subject to payment of increments notionally with monetary benefit from the date of exemption(Second Proviso under Rule 13)

Date of joining : 10-02-2012: Not availed any leave during probation . Exempted from passing language test in Telugu. Passed prescribed departmental tests within two years . When he completes his probation.

period from	to	Duty/leave	Y.M.D
10-2-2012	to 29-2-2012	Duty	00-00-20
01-3-2012	to 31-1-2014	Duty	01-11-00
01-2-2014	to 10-2-2014	Duty	<u>00-00-10</u>
			02-00-00

Completes his probation on the AN of 10-2-2014.

- **Date of joining : 10-02-2011:** Exempted from passing language test in Telugu. Passed prescribed departmental tests within two years . Aailed EOL from 1-10-2011 to 31-12-2011. When he completes his probation.

period from	Duty/leave	Y. M. D
10-2-2011 to 28-2-2011	Duty	00-00-19
01-3-2011 to 30-9-2011	Duty	00-07-00
1-10-2011 to 31-12-2011	EOL	
01-1-2012 to 31-12-2012	Duty	01-00-00
01-01-2013 to 30-04-2013	Duty	00-04-00
01-05-2013 to 11-05-2013	Duty	<u>00-00-11</u> 02-00-00

Completes his probation on the AN of 11-5-2013

Date of joining : 10-02-2012: Not availed any leave during probation . Exempted from passing language test in Telugu. Passed prescribed departmental tests on 11-5-2014 after two years within three years . When he completes his probation.

period from	to	Duty/leave	Y.M.D
10-2-2012	to 29-2-2012	Duty	00-00-20
01-3-2012	to 31-1-2014	Duty	01-11-00
01-2-2014	to 10-2-2014	Duty	<u>00-00-10</u> 02-00-00

Completes his probation on the 12-5-2014 i.e. the day following the date of passing last examination

Date of joining : 10-02-2011: Not availed any leave during probation . Exempted from passing language test in Telugu. Passed prescribed departmental tests on 11-5-2014 after two years within three years. When he completes his probation.

Date of commencement : 10-2-2011

Completion of two years : 9-2-2013

Completion of three years: 9-2-2014.

Date of completion of test: 11-5-2014

Commencement of Probation has to be revised from 10-2-2011 to 12-5-2012 i.e. date two years anterior to date of completion of tests. Rule 16 (h)

His probation shall be declared from 12-5-2014.

Rule 33: Seniority:

- a) Seniority is to be determined with reference to the date of first appointment to a service, class or category or grade.
- b) Regarding fixation of seniority among two persons who join service simultaneously, the order of preference fixed by the competent authority is the criterion.

Seniority shall be determined with reference to the order of merit or order of preference assigned to them in the said list or panel by assigning notional dates of commencement of probation where ever necessary .(Proviso)

- **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).**

- The seniority of retrenched employee on reappointment shall be determined in accordance with the date of re-appointment (Rule 33 – f)
- 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 sub rule (a) of Rule 33, 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 letter unit of appointment.
- Rule 36: Inter-se Seniority where the dates of commencement of probation are same:
- In respect of candidates selected by A.P.P.S.C the ranking assigned irrespective of the date 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

Rule 37: Seniority of directly recruited candidates, re-allotted in consultation with A.P.P.S.C

Seniority 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 Gen.R.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 instruction.**