

West Bengal Services (Appointment, Probation And Confirmation) Rules, 1979

[25 June 1979]

CONTENTS

1. Short Title And Commencement
2. Application
3. Definitions
4. Mode Of Appointment
5. Appointment On Probation And Appointment On Permanent Basis
6. Special Provisions
7. Repeal And Savings

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In exercise of the power conferred by the proviso to article 3(1) of the Constitution of India, and in supersession of all previous orders on the subject, the Governor is pleased hereby to make the following rules:-

1. Short Title And Commencement :-

1. These rules may be called the West Bengal Services (Appointment, Probation and Confirmation) Rules, 1979. 2. They shall come into force with effect from the 1st June, 1979.

2. Application :-

1. These rules shall apply in cases of appointment on entry into Government Service. 2. Subject to the provisions of sub-rule (3), these rules shall apply to all persons who are whole-time employees of Government, including those who are paid out of contingencies or under work-charged head or who are paid on piece-rate basis but employed throughout the year. 3. These rules shall not apply to:- a. persons appointed on contract basis, or appointed otherwise than in accordance with recruitment rules, b. part-time employees, casual labours, daily labours, muster-roll workers and seasonal labours, c. employees of the Central Government or any other State Government who are on deputation to any Department of

Government, d. such other categories of persons as may be specified from time to time by Government by notification in the Official Gazette, e. the cases of appointment on promotion to higher posts and on appointment to selection grades.

3. Definitions :-

In these rules, unless there is anything repugnant in the subject or context,- a. "appointment on permanent basis" means substantive appointment with confirmation, b. "appointment on probation" means appointment on trial before confirmation; c. "Government" means the Government of West Bengal; d. "probationer" means a Government employee appointed on probation; e. "temporary service" means service beginning from the date of appointment under Government till the date of appointment on probation or on permanent basis;

4. Mode Of Appointment :-

All appointments on entry into Government service shall initially be made on temporary basis.

5. Appointment On Probation And Appointment On Permanent Basis :-

1. A Government employee- a. shall be deemed to be on probation on completion of continuous temporary service for two years after his initial appointment in a post of service or cadre; b. shall be confirmed and made permanent on satisfactory completion of the period of probation. Where passing of any departmental examination is essential before confirmation, the provisions of Chapter I of the Services (Training and Examination) Rules, West Bengal, shall have to be complied with. 2. Except as otherwise provided elsewhere in these rules, the period of probation shall be one year. 3. No formal declaration shall be necessary in respect of appointment on probation. 4. On completion of the period of probation the appointing authority shall either issue formal declaration making the probationer permanent or take such action as may be considered necessary in terms of the provisions of Part A of Chapter I of the Services (Training and Examination) Rules, West Bengal, within six months from, if any, and the appointing authority shall ensure that confirmation on satisfactory completion of the period of probation is not delayed in any case.

6. Special Provisions :-

1. On the date on which these rules come into force, Government employees who have completed more than three years, but less

than five years continuous service in a post, service or cadre on that date, either on a temporary or quasi-permanent basis, shall be deemed to have been appointed on probation with effect from the said date and the period of probation in such cases shall be six months. 2. On the date on which these rules come into force, Government employees who have rendered more than five years continuous service on that date shall be deemed to have completed the prescribed period of probation. Where, however, rules regulating the recruitment to any post or service or cadre require the passing of any academic, departmental or other examination before confirmation, these rules shall not be construed to relax such requirement. 3. In respect of Government employees who are on probation on the date on which these rules come into force, the period of probation shall be subject to the limits prescribed in rule 5 and sub-rule (1) of this rule.

7. Repeal And Savings :-

1. The West Bengal Services (Temporary and Quasi-permanent Service and Service with Permanent Status) Rules, 1967 is hereby repealed; Provided that such repeal shall not affect the previous operation of the said rules in respects of things done or omitted to be done thereunder before such repeal. 2. On the coming into force of these rules such of the provisions of the West Bengal Service Rules, the West Bengal Services (Revision of Pay and Allowance) Rules, 1970, the Services (Training and Examination) Rules, West Bengal or any other Rules, as are inconsistent with these rules shall be deemed to have been amended notwithstanding anything to the contrary contained elsewhere in these rules. By order of the Governor, Sd/- J. Sanyal, Jt. Secretary to the Govt. of West Bengal.