

Government of West Bengal
Finance Department
Audit Branch

No. 5225-F

dated 17.05.1995

MEMORANDUM

Under the existing system, the pre-requisite for confirmation is the availability of a permanent post on which no other Government employee holds a lien. The availability of a permanent posts depends upon factors such as retirement/ resignation of a permanent Government employee, confirmation of a Government employee in a higher post, conversion of temporary posts into permanent ones etc. Further, according to the present procedure, confirmation is not a one-time event in the career of a Government employee. Generally, he has to be successively confirmed in each and every post/ service/ cadre to which he is promoted subject to the availability of permanent post in each cadre or service.

2. The exercise of identification of permanent vacant posts as well as confirmation of an employee against them has become a time consuming and complicated procedure which has to be gone through before permanent status is conferred upon a Government employee. The delays and complexities involved in complying with the procedural requirements of confirmation often result in a situation where an employee cannot be given his due promotion.

3. Under the circumstances the Government have had under consideration for some time past the issue of delinking of confirmation from the availability of permanent vacant posts and to have confirmation as a one-time event in the career of a Government employee. After due consideration of the matter in all aspects the Government have decided that henceforth confirmation should be delinked from the availability of permanent vacant posts and to have confirmation as one-time event in the career of a Government employee.

4. Pursuant to the above decisions, a review of all the existing rules and instructions has been made and the revised procedure to be followed in respect of various matters such as probation, confirmation, seniority, lien etc. is indicated below:

CONFIRMATION

(i) Confirmation will be made only once in the services of Government employee which will be in the entry post/ service/ cadre provided further confirmation shall be necessary when there is fresh entry subsequently in any other post/ service/ cadre by way of direct recruitment or otherwise.

(ii) Confirmation is delinked from the availability of permanent vacant vacancy in the post/ service/ cadre. In other words, an officer who has successfully completed the probation and passed departmental examination or undergone training, as prescribed under relevant rules may be considered for confirmation.

(iii) A specific order of confirmation will be issued when the case is cleared from all angles.

(iv) If the recruitment rules do not prescribe any probation, an officer promoted on regular basis, (after following the prescribed procedure) will have all the benefits that a person confirmed in that post/ service/ cadre would have.

(v) When probation is prescribed, the appointing authority will on completion of the prescribed period of probation assess the work and conduct of the officer himself and in case the conclusion is that the officer is fit to hold the higher post, he will pass an order declaring that the person concerned has successfully completed the probation. If the appointing authority considers that the work of the officer has not been satisfactory or needs to be watched for some more time, he may revert him to the post/ service/ cadre from which he was promoted, or extend the period of probation, as the case may be.

(vi) The provisions of the W.B.S. (Appointment, Probation and Confirmation) Rules, 1979, will continue to apply as before;

LIEN

The Concept of lien as the title of the government employee to hold substantively a permanent post will undergo a change. Lien will now represent only in the right/ title of a Government employee 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 post/ service/ cadre will thus be enjoyed by all officers who are confirmed in the post/ service/ cadre 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 will, however, be subject to the condition that the junior most person in the cadre will be liable to be reverted to the lower post/ service/ cadre if at any time the number of persons so entitled is more than the posts available in that cadre/ service. 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 post/ service/ cadre to accommodate him, the junior most person will be reverted. If, however, this officer himself is the junior most, he will be reverted to the next lower post/ service/ cadre from which he was earlier promoted.

4. This order takes immediate effect; but it shall be deemed to have covered all past cases where ad hoc appointments could not be regularized only on account of non-confirmation in the lower feeder posts, even though the Govt. employees concerned were confirmed at some stage in their career.

5. Necessary amendments of the relevant rules/ regulations will be made in due course.

Sd/- R.K. Bose
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Government of West Bengal