

No-A.31011/1/2019-P&AR(GSW)
GOVERNMENT OF MIZORAM
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(GENERAL SERVICE WING)

OFFICE MEMORANDUM

Mizoram Secretariat, Aizawl
the 14th June, 2019

SUBJECT: Comprehensive instructions on the subject matter of probation and confirmation in Government service and issues connected thereto

The subject matter of probation in respect of temporary officials and the connected issue of confirmation under the Government of Mizoram had generally been done in line with various instructions issued by the Government of India in Department of Personnel & Training from time to time. Taking into consideration the "Master Circular on probation/confirmation in Central Services" issued by the Department of Personnel & Training vide OM No.28020/3/2018-Estt.(C) dated 11.03.2019, the Government of Mizoram decided to issue the following instructions on the above subject matter for compliance by all Departments under the Government of Mizoram including Constitutional/statutory bodies, unless there is anything contrary in the extant Acts/Rules:

1. PROBATION:

- 1) A person is appointed on probation in order to assess his suitability for absorption in the service to which he has been appointed. Probation should not, therefore, be treated as a mere formality. No formal declaration shall be necessary in respect of appointment on probation. The appointing authority may declare successful completion or extend the period of probation or terminate the services of a temporary official on probation, on the basis of evaluation of performance.
- 2) Probation is generally prescribed when there is direct recruitment or when officials are re-employed before the age of superannuation. The probation shall stand successfully completed upon issue of orders in writing. It is, however, not desirable that a Government official should be kept on probation for long periods.
- 3) Instead of treating probation as a formality, the existing powers to discharge probationers should be systematically and vigorously used so that the necessity of dispensing with the services of officials at later stages may arise only rarely.

- 4) Concentration of attention on the probationer's ability to pass the probationary or the departmental examination, if applicable, should be an essential part of the qualification for confirmation but there should be a very careful assessment of the outlook, character and aptitude for the kind of work that has to be done in the service before a probationer is confirmed.
- 5) Save for exceptional reasons, probation should not be extended for more than a year and in no circumstance an official should be kept on probation for more than double the normal prescribed period.
- 6) A probationer, who is not making satisfactory progress, should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement. This can be done by giving a written warning to the effect that his general performance has not been such as to justify his confirmation and that, unless he shows substantial improvement within a specified period, the question of discharging him would have to be considered. Even though this is not required by the rules, discharge from the service being a severe, final and irrevocable step, the probationer should be given an opportunity before taking the drastic step of discharge.

2. MANDATORY INDUCTION/FOUNDATION TRAINING:

- 1) In all cases of direct recruitment, there should be a mandatory induction/foundation training at the Administrative Training Institute, Mizoram or any other training institute of repute for a duration of at least a) 2 weeks for Group 'A', 'B' and 'C' officials and b) one week for Group 'D' officials unless there are mandatory induction/foundation training prescribed in the relevant recruitment rules/service rules/training regulations.
- 2) **Successful completion of the mandatory induction/foundation training as mentioned at para 2(1) above shall be a pre-requisite for completion of probation for all direct recruits with effect from the date of issue of this Office Memorandum.**
- 3) The syllabus for the mandatory induction/foundation training may be prescribed by the Administrative Training Institute, Mizoram
- 4) In the offer of appointment for all direct recruits, a clause pertaining to para 2(1) and 2(2) may invariably be included by the Appointing Authorities.

3. PERIOD OF PROBATION

- 1) The period of probation is prescribed for different posts/services under the State Government on the following lines unless there is anything contrary to the relevant provisions in the respective Recruitment Rules/Service Rules:

Sl. No.	Method of appointment	Period of Probation
1.	Direct recruitment to all Group 'A', 'B', 'C' and 'D' posts	2 years
2.	Absorption to all Group 'A', 'B', 'C' and 'D' posts from statutory bodies/government societies /autonomous bodies, etc.	2 years
3.	Officials re-employed before the age of superannuation	2 years
4.	Regularisation of Contract, Work-charged, Muster Roll, ad hoc or officiating employees to all Group 'A', 'B', 'C' and 'D' posts	1 year
5.	Appointment on deputation, contract basis, Muster Roll basis, tenure basis, honorary basis, re-employment after superannuation	No probation

- 2) **Direct recruitment to another post in the same or different department:** If an official is appointed to another post by direct recruitment either in the same department or a different department, it may be necessary to consider him for confirmation in the new post in which he has been appointed by direct recruitment irrespective of the fact that the official was holding the earlier post on a substantive basis. Further confirmation in the new entry grade becomes necessary because the new post may not be in the same line or discipline as the old post in which he has been confirmed and the fact that he was considered suitable for continuance in the old post (which was the basis for his confirmation in that post) would not automatically make him suitable for continuance or confirmation in the new post, the job requirements of which may be quite different from those of the old post.

3) **Promotion:**

- a) There shall be no probation in promotion from one grade/post to another grade/post.
- b) Persons who are inducted into a new service through selection method shall also be placed on probation. For instance, officials who are appointed to the Junior Grade of Mizoram Civil Service by selection method shall be on probation for the period as prescribed by the concerned Mizoram Civil Service Rules irrespective of whether or not the official was holding the earlier post on a substantive basis.

4. LEAVE TO PROBATIONER, A PERSON ON PROBATION

- 1) A probationer shall be entitled to leave under the provisions of rule 33 of the CCS (Leave) Rules, 1972. If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend;
 - a) beyond the date on which the probationary period as already sanctioned or extended, expires, or
 - b) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.
- 2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government official according as his appointment is against a temporary or a permanent post; provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these rules as a permanent Government official.
- 3) As far as the matter of Child Care Leave to probationers is concerned, Child Care Leave should not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is fully satisfied regarding the need of Child Care Leave to the probationer. It may also be ensured that the period for which this leave is sanctioned during probation is minimal. Further the other provisions contained in rule 43-C of the CCS (Leave) Rules, 1972 will also apply.
- 4) Joining Time is granted to Government officials on transfer in public interest. The period of joining time availed by a probationer on return from leave should be counted towards the prescribed period of probation if but for the leave, he would have continued to officiate in the post to which he was appointed.

5. EXTENSION OF PROBATION PERIOD:

- 1) If during the period of probation, a probationer has not undergone the requisite training course or passed the requisite departmental examinations, if any, the period of probation may be extended by such period or periods as may be necessary, subject to the condition that the total period of probation does not exceed double the prescribed period of probation.
- 2) If the Appointing Authority thinks it fit, they may extend the period of probation of a Government official by a specified period but the total period of probation should not exceed double the normal period. In such cases, periodic reviews should be done and extension should not be done for a long period at a time.

- 3) Where a probationer who has completed the period of probation to the satisfaction of the State Government is required to be confirmed, he shall be confirmed in the service/post at the end of his period of probation, having completed the probation satisfactorily.
- 4) Some officials are not able to complete the probation on account of availing leave for long duration during probation period. In such cases if an official does not complete 75% of the total duration prescribed for probation on account of availing any kind of leave as permissible to a probationer under the rules, his/her probation period may be extended by the length of the leave availed, but not exceeding double the prescribed period of probation.

6. TERMINATION OF PROBATION:

- 1) The decision whether an official should be confirmed or his probation be extended should be taken, on the recommendation of the relevant Departmental Promotion Committee, soon after the expiry of the initial probationary period, that is within six to eight weeks, and communicated in writing to the official together with reasons, in case of extension. A probationer who is not making satisfactory progress or who shows himself to be inadequate for the service in any way should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement.
- 2) On the expiry of the period of probation, steps should be taken to obtain the Annual Confidential Report/Performance Appraisal Report on the probationer so as to:-
 - a) Confirm the probationer/issue orders regarding satisfactory completion of probation, as the case may be, if the probation has been completed to the satisfaction of the competent authority; or
 - b) Extend the period of probation or discharge the probationer or terminate the services of the probationer as the case may be, in accordance with the relevant rules and orders, if the probationer has not completed the period of probation satisfactorily.
- 3) In order to ensure that delays do not occur in confirmation, timely action must be initiated in advance so that the time limit is adhered to.
- 4) If it appears to the Appointing Authority, at any time, during or at the end of the period of probation that a Government official has not made sufficient use of his opportunities or is not making satisfactory progress, the Appointing Authority may revert him to the post held substantively by him immediately

preceding his appointment, provided he holds a lien thereon or in other cases may discharge or terminate him from service.

- 5) A probationer reverted or discharged from service during or at the end of the period of probation shall not be entitled to any compensation.

7. CONFIRMATION:

- 1) An official who has successfully completed the probation, as prescribed under relevant rules, may be considered for confirmation by placing his case before the relevant Departmental Promotion Committee (DPC) in supersession of this Department's OM No.MAP.37/75/83 dated 30.11.1978. The composition of the DPC for confirmation shall be the same as the DPC for direct recruitment in tune with the Mizoram Public Service Commission (Limitation of Functions) Regulations, 1994 as amended from time to time.
- 2) The papers to be included in the agenda papers/proposals to be placed for consideration of the Departmental Promotion Committee for confirmation are as follows:
 - a) Proposal/agenda paper duly filled in as per the prescribed pro-forma at *Annexure-I*. The pro-forma should be complete in all respects and the responsibility for preparation of agenda papers/proposals for confirmation complete in all respects lies with the Department concerned
 - b) List of eligible officials for confirmation as per the format at *Annexure-II*
 - c) Vigilance Clearance in respect of the eligible officials for confirmation issued by Vigilance Department (Original copy should be enclosed)
 - d) Copy of Certificate or any other document showing completion of the mandatory induction/foundation training for direct recruits OR passing of the mandatory departmental examination OR any other requirements as prescribed in the relevant recruitment rules.
 - e) Self contained note explaining the proposal for confirmation
 - f) Copy of the order of imposition of penalty by the Disciplinary Authority, if any, in respect of any of the officials for confirmation or a copy of warning or displeasure or reprimand issued by superior officers. Further, copies of orders imposing the penalties or issue of warnings or displeasure or reprimand and decisions taken on appeals, if any, should be kept in the respective ACR/PAR dossier.
 - g) Complete and up to date ACRs/PARs of the officials under consideration for confirmation for at least one immediate year.
 - h) Statement showing the availability of ACRs/PARs for at least one immediate year as per the format at *Annexure-III*.

- 3) The agenda papers/proposals complete in all respects shall be submitted directly to the Chairman of the DPC in respect of cases falling outside the purview of Mizoram Public Service Commission and to the Mizoram Public Service Commission in respect of cases falling within their purview as early as possible without routing through Departmental of Personnel & Administrative Reforms.
- 4) Confirmation is de-linked from the availability of permanent vacancy in the grade/posts. Thus, confirmation will be done only once in the service of an official which will be in the entry grade post/service/cadre provided further that confirmation shall be necessary when there is fresh entry subsequently in any other post/service/cadre by way of direct recruitment or otherwise. A specific order of confirmation should be issued when the case is cleared from all angles.
- 5) If, during the period of probation or any extension thereof, as the case may be, the Government is of the opinion that an official is not fit for permanent appointment, the Government may either discharge or revert the official to the post held by him prior to his appointment in the service, as the case may be.
- 6) The date from which confirmation should be given effect is the date following the date of satisfactory completion of the prescribed period of probation or the extended period of probation, as the case may be. The decision to confirm the probationer or to extend the period of probation as the case may be should be communicated to the probationer normally within 6 to 8 weeks. Probation should not be extended for more than a year and, in no circumstance, an official should be kept on probation for more than double the normal prescribed period of probation. The official will be deemed to have successfully completed the probation period if no order confirming, discharging or reverting the official is issued within eight weeks after expiry of double the normal period of prescribed probation.
- 7) An official appointed by means of absorption would duly have been confirmed in the earlier post/service. In such a case, further confirmation in the new post/service would not be necessary and he could be treated as permanent in the new post/service. However, where an official who has not already been confirmed in the old post/service is appointed by absorption, it would be necessary to confirm him in the new post/service. In such cases, he may be considered for confirmation after watching him for two years. During that period of two years, the official would have earned ACR/PAR in the new grade/post and the DPC may consider his case for confirmation on the basis of these PARs/ACRs.

- 8) These instructions on confirmation will not apply to the cases of appointments made on ad hoc/officiating basis. In other words, these instructions will apply only to appointments made on regular basis.
- 9) Sometimes establishments are created for a specific objective for a limited period, as in the case of Commissions or Committees to study or investigate a specific problem. Normally posts in such establishments are filled by deputation or on contract basis, which would not result in regular incumbency. In such cases, these instructions about confirmation would not apply. In other words, these instructions would not apply to persons appointed against posts in purely temporary organizations.

Sd/- LALNUNMAWIA CHUAUNGO

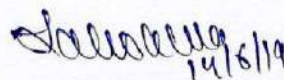
Chief Secretary to the Govt. of Mizoram

Memo. No-A.31011/1/2019-P&AR(GSW)

Aizawl, dated the 14th June, 2019

Copy to:

1. Secretary to Governor, Mizoram
2. Secretary to Chief Minister, Mizoram
3. P.S. to Speaker/Ministers/Deputy Speaker/Ministers of State
4. Sr. P.P.S. to Chief Secretary
5. P.S. to all Principal Secretaries/Commissioners/Secretaries/Special Secretaries
6. All Administrative Departments
7. Secretary, MPSC/MSIC/MSEC/AMC
8. All Heads of Departments
9. All Deputy Commissioners
10. All wings of DP&AR
11. Website Manager, DP&AR for uploading in the official website
12. Guard File



(LALROHLUA)

Under Secretary to the Govt. of Mizoram
Deptt. of Personnel & Administrative Reforms

Annexure-I

PROFORMA FOR REFERRING AGENDA PAPERS/PROPOSALS FOR CONFIRMATION TO DEPARTMENTAL PROMOTION COMMITTEE/MIZORAM PUBLIC SERVICE COMMISSION

1)	Name of Department	
2)	Name of post/grade to which confirmation is to be made	
3)	Level in the Pay Matrix/Scale of pay of the post/grade to which confirmation is to be made	
4)	Enclose the list of eligible officials for confirmation under consideration as per <i>Annexure-II</i>	
5)	Enclose the Annual Confidential Reports/Performance Appraisal Reports (ACR/PAR) of the eligible officials for at least one immediate year as per <i>Annexure-III</i> .	
6)	Enclose a valid Vigilance Clearance in original from Vigilance Department	
7)	Enclose a copy of Certificate or any other document showing completion of the mandatory induction/foundation training for direct recruits for a duration of at least a) 2 weeks for Group 'A', 'B' and 'C' officials and b) one week for Group 'D' officials unless there are mandatory induction/foundation training prescribed in the relevant recruitment rules/service rules/training regulations OR enclose a copy of Certificate or any other document showing passing of the mandatory departmental examination OR any other requirements as prescribed in the relevant recruitment rules.	
8)	Enclose self contained note for the DPC/MPSC explaining the proposals for confirmation	
9)	Whether penalty, warning or displeasure or reprimand, if any, was imposed/issued on any of the officials under consideration for confirmation? If any, enclose a copy of the order of imposition of penalty issued by the Disciplinary Authority OR a copy of warning or displeasure or reprimand issued by superior officers.	
10)	Any other relevant remarks	

Signature of officer sending the proposal

LIST OF ELIGIBLE OFFICIALS FOR CONFIRMATION

Sl. No.	Name of eligible official(s)	Date of joining the post/grade	Whether or not mandatory induction/foundation training of prescribed duration completed OR mandatory departmental examination passed OR any other requirement as prescribed by the recruitment rules? If Yes, date of completion of such requirements	Date of satisfactory completion of the prescribed period of probation or the extended period of probation

Certified that

- 1) all eligible officials for confirmation are included in the list
- 2) all the officials under consideration are not awarded any penalty during the probationary period OR the official(s) at Sl. No. _____ only in the list of eligible official(s) is/are awarded a penalty of _____ (description of the penalty so awarded) within the probationary period
- 3) all the officials under consideration are not coming under any of the circumstances mentioned below OR the official(s) at Sl. No. _____ only in the list of eligible official(s) is/are coming under one of the circumstances mentioned below (in this case, please tick the relevant option):
 - i) Officials under suspension;
 - ii) Officials in respect of whom a charge-sheet has been issued and the disciplinary proceedings are pending; and
 - iii) Officials in respect of whom prosecution for a criminal charge is pending

Signature of officer sending the proposal

Annexure-III

**STATEMENT SHOWING AVAILABILITY OF ACRs/PARs OF ELIGIBLE OFFICIALS
FOR CONFIRMATION**

Sl. No.	Name of Official	ACR/PAR for the year	ACR/PAR for the year*
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			

Signature of officer sending the proposal

Notes:

- 1) The grading awarded to the official for each of the relevant years may be indicated in the above columns.
- 2) * The grading awarded to the official for the ACR/PAR in Column (4) of the Table above may be entered if and only if the same is available as on the date of meeting of the Departmental Promotion Committee for confirmation and the same is NOT mandatory.