

KARNATAKA CIVIL SERVICES (PROBATION) RULES, 1977

NOTIFICATION

No.DPAR 57 SRR 75, dated 25th June, 1977

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Karnataka hereby makes the following rules, namely:-

1. **Title and commencement** –

- (1) These rules may be called the Karnataka Civil Services (Probation) Rules, 1977.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. **Definition** - In these rules, unless the context otherwise requires, -

- (1) "appointed on probation" means appointed on trial.
- (2) "probationer" means a Government servant on probation.

3. **Period of Probation**. - The period of probation shall be as may be provided for in the rules of recruitment specially made for any service or post, which shall not be less than two years, excluding the of if any, during which the probationer was on extraordinary leave.

4. **Extension or reduction of period of probation**. –

- (1) The period of probation may, for reason to be recorded in writing, be extended-
 - (i) by the Governor or the Government by such period as he or it deems fit;
 - (ii) by any other appointing authority by such period not exceeding half the prescribed period of probation:

Provided that if within the prescribed or extended of probation, a probationer has appeared for any examination of tests required to be passed during the period of probation and the results thereof are not known before the expiry of such period, then the period of probation shall be deemed to have been extended until the publication of results of such examinations or tests or of the first of them in which he fails to pass.

- (2) The Government may, by order, reduce the of probation of a probationer by such period not exceeding the period during which he discharged the duties of the post to which he was appointed or of a post the duties of which are in the opinion of the Government, similar or equivalent to those of such post.

5. **Declaration of satisfactory completion of probation etc. –**

(1) At the end of the prescribed or, as the case may be the reduced or extended period of probation, the appointing authority shall consider the suitability of the probationer hold the post to which he was appointed, and -

(a) if it decides that the probationer is suitable to the post of which he was appointed and has passed the special examinations or tests, if any, required to be passed during the period of probation it shall, as soon as possible issue order declaring the probationer to have satisfactorily completed his probation and such an order shall have effected the date of expiry of the prescribed, reduced or extend period of probation;

(b) if the appointing authority decides that the probationer is not suitable to hold the post to which he was appointed or has not passed the special examinations or special tests, if any, required to be passed during the period of probation, it shall, unless the period of probation is extend under the rule 4, by order, discharge him from service.

(2) A probationer shall not be considered to have satisfactorily completed the provisions unless a specific order to that effect is passed. Any delay in the issue of an order under sub-rule (1) shall not entitle to, the probationer to be deemed to have satisfactorily completed his probation.

Note:- In this rule and rule 6 discharge in the case of a probationer appointed from another service or post, means reversion to that service or post.

6. **Discharge of a probationer during the period of probation.-**

(1) Notwithstanding anything in rule 5, the appointing authority may, at any time during the period of probation, discharge from service a probationer on grounds arising out of the conditions, if any, imposed by the rules or in the order of appointment, or on account of his unsuitability for the service or post; but the order of discharge except when passed by the Government, shall not be given effect to, till it has been submitted to and confirmed by the next higher authority.

(2) An order discharging a probationer under this rule shall indicate the grounds for the discharge but no formal proceedings under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, shall be necessary.

7. **Termination for misconduct.** - No order terminating the services of a probationer, whether during or at the end of the period of probation for any misconduct, shall be passed except in accordance with the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

8. **Appeal.**-No appeal shall be against an order discharging a probationer under rule 5 or rule 6.

9. **Confirmation.**- Subject to sub-rule (4) of rule 19 of the Karnataka State Civil Services (General Recruitment) Rules, 1977, a probationer who has been declared to have satisfactorily completed his probation shall be confirmed at the earliest opportunity in any substantive vacancy which may exist or arise:

Provided that where more than one approved probationer is available for such confirmation, the senior most approved probationer on the date of vacancy shall be confirmed.

10. **Increment and pay.**- (1) A probationer appointed at the initial or higher stage or a time scale may draw the increments that fall due during the prescribed or extended period of probation; he shall not however, draw any increments after the expiry of such period unless and until he is declared to have satisfactorily completed his probation.

11. **Probation where validity of appointment is questioned.**- Notwithstanding anything contained in the preceding rules, where the validity of the appointment of any person as probationer is questioned in any legal proceeding before a court of law ² [and where interim orders barring the declaration of satisfactory completion of the period of probation has been ordered by such court of law] the period of probation of such person shall continue until the final disposal of such proceedings, and pending such disposal, the appointing authority may, if it is satisfied that the probationer has satisfactorily completed the prescribed or extended period of probation, direct that the probationer shall be entitled to draw increment in the scale of pay of the post held by such probationer

from such date as may be specified such direction and increment shall subject to the other provisions governing the drawal of increments applicable to Government servants generally, be drawn by such probationer accordingly,

Provided that where no such interim order has been ordered in such proceedings, the appointing authority may, if it is satisfied that the probationer has satisfactorily completed the prescribed or extended period of probation, declare by order that the probationer has satisfactorily completed his probation, subject to the final decision in such proceedings.

12. **Repeal.** –

(1) The Karnataka Government servants Probation Rules, 1957 are hereby repealed:

Provided that the said repeal shall not affect the previous operation of the said rules or anything duly done or suffered thereunder or affect any right, liability or obligation acquired, accrued or incurred under the said rules.

(2) Any reference in any rule or order to the rules repealed by sub-rule(1) shall be construed as a reference to these rules.

(3) All proceedings commenced under the rules repealed by sub-rule (1) and pending on the date of commencement of these rules shall be continued and disposed of in accordance with the provisions of these rules.

GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka,

N.P.JOSHI.

Deputy Secretary to Government,
Dept. of Cabinet Affairs and Dept. of Personnel
and Administrative Reforms (Service Rules)