

No. 116-IGSI-77/1735

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, The Commissioners, Ambala and Hissar Division, all Deputy Commissioners, and Sub Divisional Officers in Haryana.
2. The Registrar, Punjab & Haryana High Court, and All District and Sessions Judges in Haryana.

Dated Chandigarh, the 25th January, 1977.

Subject :—Probation.

Sir,

I am directed to invite a reference to Haryana Government circular letter No. 4183-2GSI-71/34032, dated the 15th December, 1971 wherein it was stated that decision regarding the completion of the period of probation should be taken expeditiously after the expiry of the prescribed period of probation. It was also laid down that if such a decision was not taken within the prescribed time-limit, the satisfactory completion of probation will be presumed and if a permanent post is available, confirmation will also be presumed.

2. The matter has been reconsidered in the light of the judgement of the Supreme Court in cases "Binoy Kumar Mukherjee *versus* State of Bihar and others" (Civil Appeal No. 1268 of 1967) and "Kedar Nath Bahl *Versus* State of Punjab and others" (Civil Appeal No. 1836 of 1968). It has been decided that even if a permanent post is available, confirmation cannot be presumed and a specific order to this effect will have to be passed. Instructions dated 15-12-1971 should be considered to have been modified to this extent.

Yours faithfully,

Sd./-

Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

No. 116-IGSI-77/1736 dated Chandigarh, the

January, 1977.

A copy is forwarded to the Accountant General, Haryana, with reference to Haryana Government endorsement No. 4183-2GSI-71/34033 dated the 15th December, 1971.

Sd./-

Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to :—

(i) The Financial Commissioner, Haryana, and All Administrative Secretaries to Government, Haryana with reference to this Department U.O. No. 4183-2GSI-71/dated 15-12-1971,