

Copy of Circular Letter No. 8924-GII-59/19219 dated 28th October, 1959, from the Chief Secretary to Government Punjab to all Heads of Departments etc. etc.

Subject :—Counting of purely temporary service for purpose of seniority.

I am directed to invite a reference to Punjab Government letter No. 1028-GII-57/27804, dated the 29th March, 1957 on the subject noted above and to say that cases have come to the notice of Government wherein, before 1st November 1956, certain Departments confirmed some officials who were appointed locally in a purely temporary capacity, but were subsequently recommended by the Subordinate Services Selection Board, after granting them the benefit of their purely temporary service for purposes of seniority with the result that they were assigned preferential positions in the joint seniority lists, which were later on approved by the Integration Council. Government having been presented with a *fait accompli* in such cases, have considered the matter at length. The action of the Departments concerned was undoubtedly irregular but it was presumably based on faulty interpretation of instructions contained in Punjab Government letter No. 1212-G-54/59723, dated the 13th February, 1954. Keeping in view this aspect and the legal implications involved, it has been decided that the instructions, dated the 29th March, 1957, referred to above and issued in clarification of previous instructions will be deemed to have come into operation with effect from 1st November, 1956, and that cases of confirmation irregularly decided prior to this date should not be re-opened and should be deemed to have been regularised.

2. As regards the cases of officials who were confirmed after 1st November, 1956, seniority should be determined in accordance with Government instructions, dated the 29th March 1957. Confirmation in itself will not effect the seniority of those officials whose service rules provide for counting seniority from the date of continuous approved appointment. It will only affect the seniority lists in those cadres where seniority is counted from the date of confirmation. In such cases, the seniority of the officials irregularly confirmed can be fixed on an *ad hoc* basis by invoking the relaxability clause. If there be no such clause in the service rules, a provision in this behalf should be made in the rules immediately to implement this decision.