

THE SIND CIVIL SERVANTS (PROBATION, CONFIRMATION & SENIORITY) RULES, 1975

Karachi, the 2nd October 1975

Notification No. SO-IX-REG (S&GAD)-2/1/1-74.-In exercise of the powers conferred by section 26 of the Sindh Civil Servants Act, 1973, the Government of Sindh is pleased to make the following rules regulating the probation, confirmation and seniority of Civil Servants, namely:-

1.- (1) These rules may be called the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975.

(2) They shall come into force at once.

PART - I PROBATION

2.- A person appointed to a post by initial recruitment shall be on probation for two years and a person appointed otherwise may, if the appointing authority so direct, be on probation for one year.

Explanation.- Service on deputation to an equivalent or higher post shall count towards the period of probation.

3.- The appointing authority may, for reasons to be recorded in writing-

(i) curtail the period of probation;

(ii) extend the period of probation by a period not exceeding one year at a time, and during or on the expiry of the extended period pass such orders as are passed during or on the expiry of the initial probationary period:

Provided that if no orders are passed by the day following the completion of-

(a) the initial probationary period, the period of probation shall be deemed to have been extended by one year;

(b) the extended period of probation, the appointment shall be deemed to be continued until further orders.

PART - II CONFIRMATION

4.- Confirmation of a civil servant shall be made in the order of seniority in a permanent post on which no other civil servant holds any lien.

5.- On confirmation of a civil servant in a post, his lien, if any, on any other post shall stand terminated.

6.- No civil servant who holds a lien on any post in any department shall be confirmed in any post in any other department unless his consent and the consent of the department, where he holds such lien, has been obtained in writing.

7.- A civil servant eligible for confirmation in more than one post, shall be confirmed first in the lower post and then in the higher post from the dates he is due for confirmation in such posts.

8. If a civil servant becomes due for confirmation, his confirmation shall not be deferred unless a disciplinary action is pending against him or the appointing authority for reasons to be recorded in writing defers his confirmation:

Provided that if during the deferment of the confirmation of a civil servant his junior becomes due for confirmation, the post in which such senior civil servant is due for confirmation shall be kept vacant and the junior civil servant shall be confirmed in the next available post.

PART - III SENIORITY

9.- (1) In each ¹[Cadre] in a department there shall be a separate seniority list of a group of civil servants doing similar duties and performing similar functions and for whose appointment same qualifications and experience have been laid down.

(2) The appointing authority shall, in the month of January every year, cause to be prepared, or, as the case may be, revised, the seniority list under sub-rule (1) ²[:]

³[Provided that in the Collegiate Branch (non-technical) of the Education Department, there shall be a combined seniority list of lecturers.]

10.- (1) Subject to the provision of rule 11, the seniority of a civil servant shall be reckoned from the date of his regular appointment.

(2) No appointment made on ad hoc basis shall be regularized retrospectively.

11.- Inter-se-Seniority of civil servants appointed in a batch or on the same date shall be determined-

(a) in the case of persons appointed by initial recruitment, in the order of merit assigned by the selection authority, and if such authority is either not competent to assign such order of merit or has omitted to do so and is unable to overcome the omission for reasons beyond its control, the seniority shall be determined by the appointing authority:

Provided further that a person selected in earlier selection shall rank senior to a person selected in a later selection:

(b) In the case of persons appointed by promotion on the basis of their inter-se-seniority in the lower ⁴[Post];

(c) In the case of persons appointed by initial recruitment viz-a-viz persons appointed by promotion on the basis that the persons appointed by promotion shall rank senior to the persons appointed by initial recruitment;

(d) in the case of persons not covered by clauses (a) to (c), on the basis that persons older in age shall rank senior to persons younger in age;

12.- If an appointment is made by transfer-

(a) a person appointed otherwise than on his own request shall, for the purpose of determining his seniority, be given the benefit of his regular service in other post or posts held by him before his transfer and appointment to the new post:

Provided that if the regular appointment is made in a batch or on the same day, the older in age shall rank senior to younger in age.

(b) a person appointed on his own request shall rank junior to all other persons appointed before, him on the regular basis and the persons appointed with him in the same hatch or on the same day by promotion or initial recruitment;

(c) the inter-se-seniority of persons appointed, on their request, in the same batch or on the same day, shall be determined in accordance with their respective dates of regular appointment in the posts held by them before their transfer and appointment to the new posts:

Provided that if the dates of their regular appointment in such other posts are same, the older in age shall rank senior to the younger in age.

¹[**13.-** ²[(1)] A civil servant, who is not promoted on his turn on the ground that-

¹ In the rule 9(1), substituted for "grade" by the Notification No. SOIX-REG(S&GAD)2/1/1-74, the Sindh Government Gazette, dated 23-5-1985

² In the sub-rule 2, at the end full stop substituted by colon by the Notification No. SOIX-REG (S&GAD) II/34-83, dated 9-2-1984, the Sindh Government Gazette, Part IV-A, dated 23-2-1984

³ In the sub-rule 2, proviso added by the Notification No. SOIX-REG (S&GAD) II/34-83, dated 9-2-1984, the Sindh Government Gazette, Part IV-A, dated 23-2-1984

⁴ In clause (b) substituted for "Grade" by the Notification No. SOIX-REG(S&GAD) 2/1/1-74, the 24-4-1985, the Sindh Government Gazette dated 23-3-1985

- (i) his seniority is under dispute or is not determined; or
- (ii) he is on deputation, training or leave; or
- (iii) disciplinary proceedings are pending against him; or

(iv) he is not considered for promotion for any reason other than his unfitness for promotions;

shall on subsequent promotion, subject to any order made by the competent authority in this behalf for the purpose of inter-se-seniority in the higher ³[post] be deemed to have been promoted in the same batch as his juniors.]

⁴[(2) A Civil Servant declining to avail of benefit of order of his promotion shall, on his subsequent promotion, rank junior, in the higher ⁵[post] to those who may have been promoted earlier as a result of his having declined to avail the benefit of such promotion.]

¹ Rule 13 substituted by the Notification No. SOIX-REG(S&GAD) 2/1/1-74, dated 1-9-1976, the Sindh Government Gazette Part IV-A, (P: 320), dated 9-9-1976

² In rule 13, renumbered as sub-rule “(1)” by the Notification No. SOIX-REG (S&GAD)VI/5/81, dated 16-3-1983

³ Substituted for the word “Grade” by the Notification No. SOIX-REG (S&GAD) 2/1/1-74, the 24th April 1985, the Sindh Government Gazette, dated 23-5-1985

⁴ Sub-rule (2) added by the Notification No. SOIX-REG (S & GAD) VI/5/81, dated 16-5-1983

⁵ Substituted for the word “Grade” by the Notification No. SOIX-REG (S&GAD) 2/1/1-74, the 24th April 1985, the Sindh Government Gazette, dated 23-5-1985