

I/65855/2020

भारत सरकार GOVERNMENT OF INDIA



वित्त मंत्रालय MINISTRY OF FINANCE  
 राजस्व विभाग DEPARTMENT OF REVENUE  
 केन्द्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड  
 CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS  
 सीमा शुल्क आयुक्त का कार्यालय  
 OFFICE OF THE COMMISSIONER OF CUSTOMS  
 सीमा शुल्क गृह, विलिंग्टन आईलैंड, कोच्चिन-682009  
 CUSTOM HOUSE, WILLINGDON ISLAND, COCHIN-682009



Website: [www.cochincustoms.gov.in](http://www.cochincustoms.gov.in)  
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 Fax: 0484-2668468  
 DID No. 2835100

**VIGILANCE CIRCULAR No. 02/2020****Subject: Circulation of instructions for information and compliance by officers - Reg.**

\*\*\*\*\*

Kind attention is invited to the below listed instructions issued by the various authorities shown there against. The instructions are circulated for information and strict compliance by all concerned.

Sl. No	Instruction no. and date	Issuing Authority	Subject
1.	F.No.A.32012/31/2020-Ad.III-A dated 29.09.2020	CBIC	Representation of transfer on service matter – reiteration of instructions.
2.	F.No. A-32018/13/2019-Ad.III.A dated 09.10.2020	CBIC	Monitoring the performance of freshly recruited officers who are on probation period
3.	F.No. V-500/193/2017/Pt.V/9599-9655 dated 21.10.2020	DGoV	ODI / Agreed List - Officers
4.	HRM-II/POL2/MISC/2/2020-Pol dated 11.2020	DGHRD	Officers posted/exceeded long tenure in sensitive posting should be considered more for a longer stint in non-sensitive postings
5.	F.No.33012/1(s)/2008-Estt.B(Pt.)dated 12.09.2008	DoPT	Participation in any form of strike/mass casual leave/boycott of work etc. by government servants

(MOHD. YOUSAF)  
 COMMISSIONER OF CUSTOMS

**Encl: As Above.****To**

1. JC
2. All DCs and ACs.
3. All sections of Custom House/ Airport/ CSD/ PAD/ ICTT/ Docks/ ACC.
4. EDI - For publishing in the website of Custom House, Cochin.
5. Commissioner's file/ Notice Board.

125586(1)/2020/CRU-O/o Commr-Cus-Cochin

F.No.A.32012/31/2020-Ad. III-A  
 Government of India  
 Ministry of Finance  
 Department of Revenue  
 Central Board of Indirect Taxes & Customs

\*\*\*\*\*

4<sup>th</sup> Floor, Hudco Vishala Buidling  
 Bhikaji Cama Place, R.K. Puram  
 New Delhi-110066  
 Dated: - the 29<sup>th</sup> September, 2020

To,

All Cadre Controlling Authorities under CBIC/DGHRD, New Delhi.

**Sub: - Representation of transfer on service matter - reiteration of instructions - regarding**

\*\*\*\*\*

Sir,

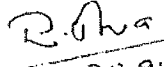
A reference is invited to para 2 of Board's Office Memorandum No. A10A22/4/2016-Ad.III dated 20<sup>th</sup> December, 2016 (**copy enclosed**) and various instruction issued by DoPT on the above cited subject, including DoPT O.M. of 31<sup>st</sup> Aug, 2015 referred to in Ministry's O.M. dated 20<sup>th</sup> December, 2016 mentioned above (**Copy enclosed**).

2. It is seen that various Officers/Officials are forwarding their representations directly through other authorities on the issue of their transfer/service matter to Ministry/Board, by-passing the prescribed channel of communication.

3. It is therefore, requested to sensitize the Govt. employees working under your zone regarding these instructions, as already communicated vide Para 2 of Ministry's O.M. dated 20.12.2016.

Encl.: As above.

Yours faithfully,

  
 (R.K. Jha)

Deputy Secretary to the Govt. of India  
 011-26162693

F.No.10A22/4/2016-Ad.IIB  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Excise and Customs

New Delhi, the 20<sup>th</sup> December, 2016

OFFICE MEMORANDUM

**Subject:** Disposal of references received from Hon'ble Members of Parliament relating to service matters of officials of Customs and Central Excise – regarding.

A number of representations are being received from MPs, VHPs, etc. recommending transfers/postings of officers etc. belonging to Customs and Central Excise Departments and compassionate appointments. In order to regulate these references, earlier various instructions have been issued. These instructions have been reviewed and the following has been decided with the approval of Hon'ble Finance Minister that:

- (i) References/ requests received from the Members of Parliament in respect of transfer/ posting of Group 'A' officers at various levels, Superintendents & Inspectors and inter-commissionerate transfer of Group 'B' (Non Gazetted) and Group 'C' officers may be acknowledged from the office of Hon'ble Finance Minister/ Minister of State (Finance), as the case may be. No further communication may be sent.
- (ii) References/ requests received from the Members of Parliament in respect of allocations of Zones to Inspectors, Tax Assistants and others may simply be acknowledged from Minister's office. Only if there is an allegation of wrong allocation, for that case to call for a reply be given, after proper examination, within a month of receipt of letter.
- (iii) References/ requests received from the Members of Parliament in respect of compassionate appointment and regularization of casual laborers, a report from the concerned Chief Commissioner/ Commissioner be obtained and based on that a suitable reply to be given by Hon'ble Minister of Finance / Minister of state for Finance to be given up within a month of receipt of the letter.

A. K. Jha

2-

2. Besides the above, the provisions of DOPPI instructions issued vide O.M. No 11013/08/2013 Lst(A III) dated 31.08.2015 regarding representation from Government servant on service matters shall be brought to the notice of all Government servants by Cadre Controlling Authorities. For violation of these instructions by the Government servants, disciplinary action will be taken as per conduct Rules, 1964.

3. The above instructions may kindly be noted for information and strict compliance.

(A. K. Qasim)  
Director Ad. II A&B  
011-23095530

1. All Cadre Controlling Authorities under CBEC
2. PS to FM/MOS(I)/Secretary(R)/Chairman(EC)/All Members, CBI-C/JS(Admn.), CBI-C
3. Director (Ad IV & IVA)/ DS (Ad.II)/ DS (Ad.III A&B)
4. The Website Manager, Directorate of Systems, Delhi

F. No. 11013/08/2013-Estt.(A-III)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training  
Establishment A-III Desk  
\*\*\*\*\*

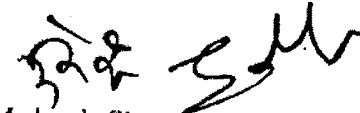
North Block, New Delhi  
Dated August 31, 2015

**OFFICE MEMORANDUM**

Subject: **Representation from Government servant on service matters - reiteration of instructions - regarding.**

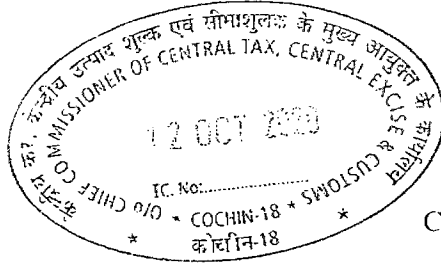
The undersigned is directed to refer to O.M. of even number dated 6<sup>th</sup> June, 2013 wherein instructions have been issued on submission of representation by Government servants about their service matters. In spite of these instructions, it has been observed that Government servants including officers/ officials of para military forces and Army personnel continue to represent directly to the Prime Minister, Minister, Secretary (P) and other higher authorities, directly.

2. As per the existing instructions, wherever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redressal of a grievance, the proper course for him is to address his immediate official superior, or Head of his office, or such other authority at the appropriate level who is competent to deal with the matter in the organisation.
3. Such submission of representations directly to other authorities by- passing the prescribed channel of communication, has to be viewed seriously and appropriate disciplinary action should be taken against those who violate these instructions. This can rightly be treated as an unbecoming conduct attracting the provisions of Rule 3 (1) (iii) of the Central Civil Services (Conduct) Rules, 1964. It is clarified that this would include all forms of communication including through e-mails or public grievances portal etc.
4. Attention in this connection is also invited to the provision of Rule 20 of CCS (Conduct) Rules, 1964 prohibiting Government servants from bringing outside influence in respect of matter pertaining to his service matter. Representation by relatives of Government servant is also treated as outside influence as clarified vide MHA OM No. F.25/21/63-Estt.(A) dated 19.09.1963
5. It is reiterated that these instructions may be brought to the notice of all Govt. servants including officers/ officials of para military forces and member of armed forces and action taken against those who violate these instructions.

  
(Mukesh Chaturvedi)  
Director (E)  
Telefax: 23093176

To

The Secretaries of All Ministries/Departments of Govt. of India  
(as per the standard list)



F.No.A.32012/31/2020-Ad. III-A  
 Government of India  
 Ministry of Finance  
 Department of Revenue  
 Central Board of Indirect Taxes & Customs  
 \*\*\*\*\*

4<sup>th</sup> Floor, Hudeo Vishala Buidling  
 Bhikaji Cama Place, R.K. Puram  
 New Delhi-110066  
 Dated: - the 29<sup>th</sup> September, 2020

To,

All Cadre Controlling Authorities under CBIC/DGIIIRD, New Delhi.

**Sub: - Representation of transfer on service matter - reiteration of instructions - regarding**

\*\*\*\*\*

Sir,

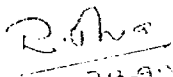
A reference is invited to para 2 of Board's Office Memorandum No. A10A22/4/2016-Ad.IIB dated 20<sup>th</sup> December, 2016 (copy enclosed) and various instruction issued by DoPT on the above cited subject, including DoPT O.M. of 31<sup>st</sup> Aug, 2015 referred to in Ministry's O.M. dated 20<sup>th</sup> December, 2016 mentioned above (Copy enclosed).

2. It is seen that various Officers/Officials are forwarding their representations directly through other authorities on the issue of their transfer/service matter to Ministry/Board, by-passing the prescribed channel of communication.

3. It is therefore, requested to sensitize the Govt. employees working under your zone regarding these instructions, as already communicated vide Para 2 of Ministry's O.M. dated 20.12.2016.

*Encl.: As above.*

Yours faithfully,

  
 (R.K. Jha)

Deputy Secretary to the Govt. of India  
 011-26162693

New Delhi, the 20<sup>th</sup> December, 2011.

Subject: Disposal of references received from Hon'ble Members of Parliament relating to service matters of officials of Customs and Central Excise – regarding.

A number of representations are being received from MPs, VIPs or recommending transfers/postings of officers etc. belonging to Customs and Central Excise Departments and compassionate appointments. In order to regulate these references, earlier various instructions have been issued. These instructions have been reviewed and the following has been decided with the approval of Hon'ble Finance Minister that:

- (i) References/ requests received from the Members of Parliament in respect of transfer/ posting of Group 'A' officers at various levels, Superintendents & Inspectors and inter-commissionerate transfer of Group 'B' (Non-Gazetted) and Group 'C' officers may be acknowledged from the office of Hon'ble Finance Minister/ Minister of State (Finance), as the case may be. No further communication may be sent.
- (ii) References/ requests received from the Members of Parliament in respect of allocations of Zones to Inspectors, Tax Assistants, and others may simply be acknowledged from Minister's office. Only if there is an allegation of wrong allocation, for that case to be heard, reply be given, after proper examination, within a month of receipt of letter.
- (iii) References/ requests received from the Members of Parliament in respect of compassionate appointment and regularization of employees, a report from the concerned Chief Commissioner/ Commissioner be obtained and based on that a suitable reply be given by Hon'ble Minister of Finance / Minister of state for Finance be given within a month of receipt of the letter.

1. *Chlorophyll a* (Chl a) and *Chlorophyll b* (Chl b) are the two main photosynthetic pigments in green plants. They are responsible for capturing light energy and converting it into chemical energy through the process of photosynthesis. Chl a is the primary pigment, while Chl b acts as an accessory pigment, transferring energy to Chl a.

2.

Besides the above, the provisions of DOPPI instructions issued vide O.M. I No 11013/08/2013 Lstt(A III) dated 31.08.2015 regarding representation from Government servant on service matters shall be brought to the notice of all Government servants by Cadre Controlling Authorities. For violation of these instructions by the Government servants, disciplinary action will be taken as per conduct Rules, 1964.

3. The above instructions may kindly be noted for information and strict compliance.

4.

(A. K. Oaram)  
Director Ad. II A&B  
011 23095530

1. All Cadre Controlling Authorities under CBI C
2. PS to I-M/MOS(I)/Secretary(R)/Chairman(I-C)/All Members, CBE-C/JS(Admn), CBE-C
3. Director (Ad IV & IVA)/DS (Ad II)/DS (Ad III A&B)
4. The Website Manager, Directorate of Systems, Delhi

North Block, New Delhi  
Dated August 31, 2015

Subject: Representation from Government servant on service matters -  
reiteration of instructions ~ regarding.

The undersigned is directed to refer to O.M. of even number dated 6<sup>th</sup> June, 2013 wherein instructions have been issued on submission of representation by Government servants about their service matters. In spite of these instructions, it has been observed that Government servants including officers/ officials of para military forces and Army personnel continue to represent directly to the Prime Minister, Minister, Secretary (P) and other higher authorities, directly.

2. As per the existing instructions, wherever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redressal of a grievance, the proper course for him is to address his immediate official superior, or Head of his office, or such other authority at the appropriate level who is competent to deal with the matter in the organisation.

3. Such submission of representations directly to other authorities by-passing the prescribed channel of communication, has to be viewed seriously and appropriate disciplinary action should be taken against those who violate these instructions. This can rightly be treated as an unbecoming conduct attracting the provisions of Rule 3 (1) (iii) of the Central Civil Services (Conduct) Rules, 1964. It is clarified that this would include all forms of communication including through e-mails or public grievances portal etc.

4. Attention in this connection is also invited to the provision of Rule 20 of CCS (Conduct) Rules, 1964 prohibiting Government servants from bringing outside influence in respect of matter pertaining to his service matter. Representation by relatives of Government servant is also treated as outside influence as clarified vide MHA OM No. F.25/21/63-Estt.(A) dated 19.09.1963

5. It is reiterated that these instructions may be brought to the notice of all Govt. servants including officers/ officials of para military forces and member of armed forces and action taken against those who violate these instructions.

(Mukesh Chaturvedi)  
Director (E)  
Telefax: 23093176

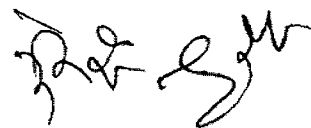
The Secretaries of All Ministries/Departments of Govt. of India  
(as per the standard list)

-----2/-

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Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
14. CVOs of all Ministries/Departments.
15. ADG (M&C), Press Information Bureau, DoP&T
- ✓ 16. NIC, Department of Personnel & Training, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head OM's & Orders → Establishment → (Conduct Rules).
17. Hindi Section, DoP&T



(Mukesh Chaturvedi)  
Director (E)  
Telefax: 23093176

162505(1)/2020/CRU-O/o Commr-Cus-06  
F.No. A-32018/13/2019-Ad.III.A

Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Indirect Taxes and Customs

4<sup>th</sup> Floor, Hudco Vishala Building,  
Bhikaji Cama Place, R.K. Puram,  
New Delhi, dated 9<sup>th</sup> October, 2020

To,

All Cadre Controlling Authorities under CBIC  
The Director General, NACIN

**Subject: Monitoring the performance of freshly recruited officers who are on probation period -reg.**

Sir,

Kind reference is invited to DoPT O.M. No.28020/3/2018-Estt.(C) dated 11.3.2019 (**copy enclosed**) wherein Department of Personnel & Training has circulated the Master Circular on Probation/Confirmation in Central Services.

2. It has been observed that in some cases, Cadre Controlling Authorities/Commissionerates forwarding the request of the Direct Recruit officers to Board for extension of probation period beyond the prescribed period. In this regard, please refer to Para 19 of the above DoPT circular wherein it is clearly mentioned that in case of 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. Further as per Para 20, on expiry of the period of probation, steps should be taken to obtain the assessment report on the probationer, so as to confirm or extend or terminate the probation.

3. It is seen that the instructions of DoPT regarding completion of probation period are not being followed properly by some of the CCA's/Commissionerates. It has been observed by the Member (A) that all Cadre Controlling Authorities need to be sensitised about the system in place for training and monitoring performance of freshly recruited officers. The DoPT instructions may be brought to the notice of all officers and also to the freshly recruited officers who are on probation. Efforts also may be made in co-ordination with NACIN to build capacities, on this subject, amongst officers of all levels of CCA chain.

Encl.:- as above

Yours faithfully,

 09.10.2020

(Mohammad Ashif)  
Under Secretary to the Govt. of India  
011-26162780

ANNEX-9

No.28020/3/2018-Estt.(C)  
 Government of India  
 Ministry of Personnel, PG & Pensions  
 Department of Personnel & Training

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North Block, New Delhi  
 Dated: 11<sup>th</sup> March, 2019

**OFFICE MEMORANDUM**

Subject: Master Circular on Probation/Confirmation in Central Services- reg.

The undersigned is directed to refer to this Department's O.M.No.28020/1/2010-Estt.(C), dated 21.07.2014 wherein consolidated instructions on Probation/Confirmation were issued.

It has been decided to further consolidate/modify the instructions/guidelines in relation to probation and confirmation as a Master Circular to provide clarity and ease of reference. The Master Circular issued vide O.M. dated 21.07.2014 has been suitably updated as on date and the same is enclosed. The list of O.M.s which have been referred for consolidation of instructions for this Master Circular is at Appendix.

*(Umesh Kumar Bhatia)*  
 11/3/2019

Deputy Secretary to the Government of India

Telefax: 23094471

Copy to:

All Ministries/Departments of Government of India.

Copy to:

- (I) The President's Secretariat, New Delhi.
- (II) The Vice-President's Secretariat, New Delhi.
- (III) The Prime Minister's Office, New Delhi.
- (IV) The Cabinet Secretariat, New Delhi.
- (V) The Rajya Sabha Secretariat, New Delhi.
- (VI) The Lok Sabha Secretariat, New Delhi.
- (VII) The Controller and Auditor General of India, New Delhi.
- (VIII) The Secretary, Union Public Service Commission.
- (IX) The Secretary, Staff Selection Commission.
- (X) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions.
- (XI) All Officers and Sections in the Department of Personnel & Training.

7. 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.

8. During the period of probation, or any extension thereof, candidates may be required by the Government to undergo such courses of training and instructions and to pass examinations, and tests (including examination in Hindi) as the Government may deem fit, as a condition for the satisfactory completion of probation.

#### MANDATORY INDUCTION TRAINING

9. In all cases of direct recruitment there should be a mandatory induction training of at least two weeks duration. Successful completion of the training may be made a pre-requisite for completion of probation. The syllabus for the training may be prescribed by the Cadre authorities in consultation with the Training Division of DOPT. The recruitment rules for all posts, wherever such a provision does not already exist, may be amended to provide for such mandatory training. Till such time as the Recruitment Rules are amended, a clause on the above lines may be included in the offer of appointment.

#### PERIOD OF PROBATION

10. The period of probation is prescribed for different posts/services in Central Government on the following lines:

S.No.	Method of appointment	Period of Probation
<b>PROMOTION</b>		
1.	Promotion from one grade to another but within the same group of posts e.g. from Group 'C' to Group 'C'	No probation.
2.	Promotion from one Group to another e.g. Group 'B' to Group 'A'	The period of probation prescribed for the direct recruitment to the higher post. If no period is prescribed then it should be 2 years.

**MASTER CIRCULAR ON PROBATION AND CONFIRMATION IN CENTRAL SERVICES****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 employee on probation, on the basis of evaluation of performance.
2. Probation is prescribed when there is direct recruitment, promotion from one Group to another or for officers 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 servant 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 employees 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. A probationer should be given an opportunity to work under more than one officer during this period and reports of his work may be obtained from each one of those officers. The probation reports for the whole period may then be considered by a Board of senior officers for determining whether the probationer concerned is fit to be confirmed in service. For this purpose, separate forms of report should be used, which are distinct from the usual Annual Performance Appraisal Report (APAR) forms. The probation period reports, unlike APAR, are written to help the supervising officer to concentrate on the special needs of probation and to decide whether the work and conduct of the officer during the period of probation or the extended period of probation are satisfactory enough to warrant his further retention in service or post. The probation period reports thus do not serve the purpose for which the APARs are written and vice versa. Therefore, in the case of all probationers or officers on probation, separate probation period reports should be written in addition to the usual APARs for the period of probation.
6. Save for exceptional reasons, probation should not be extended for more than a year and in no circumstance an employee should be kept on probation for more than double the normal period.

DIRECT RECRUITMENT		
3.	(i) For direct recruitment to posts except clause (ii) below (ii) For direct recruitment to posts carrying a Grade Pay of Rs. 7600 or above or to the posts to which the maximum age limit is 35 years or above and where no training is involved Note: Training includes 'on the job' or 'Institution training'	2 years  1 year
4.	Officers re-employed before the age of superannuation	2 years
5.	Appointment on contract basis, tenure basis, re-employment after superannuation and absorption	No probation.

(A) DIRECT RECRUITMENT TO ANOTHER POST IN SAME OR DIFFERENT DEPARTMENT

If a Government servant 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 officer 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.

(B) PROMOTION

- (i) Persons who are inducted into a new service through promotion shall also be placed on probation. There shall be no probation on promotion from one grade to another but within the same group of posts, except when the promotion involves a change in the Group of posts in the same service, e.g., promotion from Group 'B' to Group 'A' in which case the probation would be for the prescribed period.
- (ii) Consequent upon the decision of delinking confirmation from the availability of permanent posts it was also decided that if the recruitment rules do not prescribe any probation, an officer appointed/promoted on regular basis (after following the prescribed DPC procedure, etc.) will have all the benefits that a person confirmed in that grade would have.

154

### **LEAVE TO PROBATIONER, A PERSON ON PROBATION**

11. A probationer shall be entitled to leave under the provisions of the 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;

- I. \* beyond the date on which the probationary period as already sanctioned or extended, expires, or
- II. beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

12. A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government servant 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 servant.

13. As far as the matter of Child Care Leave to probationers is concerned, CCL 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.

14. Joining Time is granted to Government servants 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.

### **EXTENSION OF PROBATION PERIOD**

15. If during the period of probation, a probationer has not undergone the requisite training course or passed the requisite departmental examinations prescribed (proficiency in Hindi, etc.), 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.

16. If the Appointing Authority thinks it fit, they may extend the period of probation of a Government servant 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.

17. Where a probationer who has completed the period of probation to the satisfaction of the Central 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.

162505(1)/2020/CRU-O/o Commr-Cus-Cochin

18. Some employees are not able to complete the probation on account of availing leave for long duration during probation period. In such cases if an employee 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.

#### **TERMINATION OF PROBATION**

19. The decision whether an employee should be confirmed or his probation be extended should be taken soon after the expiry of the initial probationary period that is within six to eight weeks, and communicated in writing to the employee 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.

20. On the expiry of the period of probation, steps should be taken to obtain the assessment reports on the probationer so as to: -

- (i) Confirm the probationer/issue orders regarding satisfactory termination of probation, as the case may be, if the probation has been completed to the satisfaction of the competent authority; or
- (ii) 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.

21. 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.

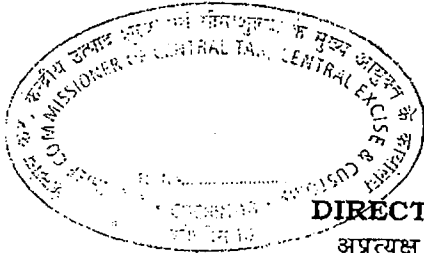
22. If it appears to the Appointing Authority, at any time, during or at the end of the period of probation that a Government servant has not made sufficient use of his opportunities or is not making satisfactory progress, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he holds a lien thereon or in other cases may discharge or terminate him from service.

23. A Probationer reverted or discharged from service during or at the end of the period of probation shall not be entitled to any compensation.

**CONFIRMATION**

24. Confirmation is de-linked from the availability of permanent vacancy in the grade. In other words, an officer who has successfully completed the probation, as prescribed under relevant rules, may be considered for confirmation. Consequent upon the above decision of delinking confirmation from the availability of permanent posts, it emerges that confirmation will be done only once in the service of an officer which will be in the entry grade post/service/cadre provided further 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.
25. If, during the period of probation or any extension thereof, as the case may be, the Government is of the opinion that an officer is not fit for permanent appointment, the Government may either discharge or revert the officer to the post held by him prior to his appointment in the service, as the case may be.
26. Where probation on promotion is prescribed, the appointing authority will on completion of the prescribed period of probation assess the work and conduct of the officer himself and in case the conclusion is that the officer is fit to hold the higher grade, he will pass an order declaring that the person concerned has successfully completed the probation. If the appointing authority considers that the work of the officer has not been satisfactory or needs to be watched for some more time he may revert him to the post/service/cadre from which he was promoted, or extend the period of probation, as the case may be. There should be no hesitation to revert a person to the post or grade from which he was promoted if the work of the officer during probation has not been satisfactory.
27. 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 employee should be kept on probation for more than double the normal prescribed period of probation. The officer will be deemed to have successfully completed the probation period if no order confirming, discharging or reverting the officer is issued within eight weeks after expiry of double the normal period of prescribed probation.
28. A Government servant appointed by transfer would duly have been confirmed in the earlier post. In such a case further confirmation in the new post would not be necessary and he could be treated as permanent in the new post. However, where a Government servant who has not already been confirmed in the old post is appointed by transfer, it would be necessary to confirm him in the new post. In such cases, he may be considered for confirmation after watching him for two years. During that period of two years, the officer would earn two reports in the new grade and the DPC may consider his case for confirmation on the basis of these APARs.

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444

सतर्कता महानिदेशालय

**DIRECTORATE GENERAL OF VIGILANCE**अप्रत्यक्ष कर एवं सीमा शुल्क, तृतीय तल, होटल सम्राट  
**INDIRECT TAXES & CUSTOMS, 3<sup>rd</sup> FLOOR, HOTEL SAMRAT**

कौटिल्य मार्ग, चाणक्यपुरी, नई दिल्ली - 110021

**KAUTILYA MARG, CHANAKYAPURI, NEW DELHI-110021**

F.No. V-500/193/2017/Pl.V/9599-9655

Dated 21.10.2020

To

All Pr. Chief Commissioners of GST/ Chief Commissioners of GST  
 All Pr. Chief Commissioners of Customs/ Chief Commissioners of Customs  
 All Pr. Director Generals/ Director Generals under CBIC  
 All Pr. Additional Director Generals/ Additional Director Generals of Zonal Units  
 of DGoV, CBIC

Sir/Madam,

**Subject: ODI / Agreed List - Officers - Reg.**

A matter was referred to CVC for its First Stage Advice wherein CVC vide its O.M. No. 019/CEX/005/461714 dated 25.09.2020 (copy enclosed) has advised **CBIC to comply with the CVC guidelines and ensure that officers/ officials in the list of ODI/Agreed List are not posted in any sensitive posts.**

2. The above instructions of CVC are once again reiterated for strict compliance.

This issues with the approval of Pr. DG (Vigilance).

Yours faithfully,

Encls.: As above.

(Mukesh Kumar Pal)  
 Joint Commissioner (Vig.)

218685/2020/O/o Commr-Cus-Cochin

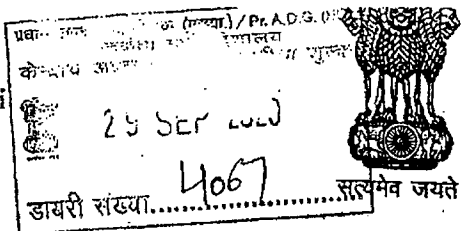
Electronic Address :  
SATARKTA: New Delhi

E-Mail Address  
envigil@nic.in

Website  
www.cvc.nic.in

PABX  
11-24600200

क्स / Fax :  
11-24651186



Confidential

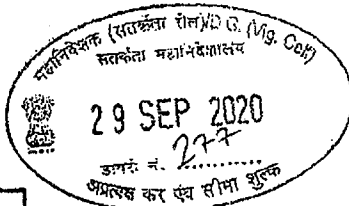


केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023  
Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi-110023

सं./No. 46714  
019/CEX/005  
दिनांक / Dated.....25.09.2020..

## OFFICE MEMORANDUM



**Sub: Complaint against Shri Rakesh Sharma, the then Chief Commissioner and others - regarding.**

\*\*\*\*\*

CBIC may please refer to their DGOV's U.O. Note F. No. V-500/193/2017/Pt.V./1011 dated 27.07.2020 on the subject cited above.

2. On examination of the case, Commission would advise for suitable action against Shri S S Behera, Superintendent as lapses noticed are administrative in nature.

Commission, in agreement with CVO, CBIC would advise for closure of the complaint against Shri Rakesh Sharma, the then Chief Commissioner.

4. Commission would also advise CBIC to comply with the CVC guidelines and ensure that officers/officials in the list of ODI/Agreed List are not posted in any sensitive posts.

5. Further, systemic improvement/change as proposed by CBIC in the instant matter may be put on CBIC's website as new initiative.

6. Two files received from CBIC are returned herewith. Receipt of Commission's O.M. and Department's files may be acknowledged.

(Priyanka Singh)  
Director

**Encl.: As above.**

Central Board of Indirect Taxes and Customs,  
(Smt. Suchitra Sharma, CVO)  
Room No-280, Samrat Hotel,  
Chanakyapuri, Kautilya Marg, New Delhi.

~~233889/2020/Old Comd CC-C&ST Zone~~ Thiruvananthapuram

Telefax : 011- 25729871  
Telephone: 011- 25733146

Email Id: policy.dghrd@nic.in



Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Indirect Taxes & Customs  
Directorate General of Human Resource Development  
409/8, Deep Shikha, Rajendra Place,  
New Delhi – 110008

Date: .11.2020

To

All the Principal Chief Commissioners /Chief Commissioners of Central Excise & Customs

All the Principal Director Generals/Director Generals of Directorate General

All the Principal Commissioners/Commissioners in-charge of Directorate

Sub: Officers posted/exceeded long tenure in sensitive posting should be considered more for a longer stint in non-sensitive postings – reg.

Sir/Madam,

Please find enclosed herewith letter F. No. V. 581/18/2019/9499 dated 19.10.2020 received from DG (Vigilance), on the above mentioned subject.

2. It is mentioned that the Directorate General of Vigilance has suggested that Transfer and Posting of the officers posted/exceeded long tenure in sensitive posting may be considered for a more longer stint in non-sensitive posting.

3. In this context, it is stated that Transfer and Posting in respect of Group A officers posted in the Zones are effected by the Zonal Chief Commissioner/Committee of Chief commissioners or Principal Director Generals/Director Generals, as the case may be. Further, in case of Group B and Group C officers, the transfer and posting are effected by Cadre Controlling Authorities of the field formations, hence, the subject reference from DG Vigilance is forwarded for necessary action at your end.

Yours faithfully,

Encl: As above

(Arvind Kumar)  
Assistant Director (Policy)

Copy to:

1. The Deputy Secretary (Ad. II), CBIC, North Block, New Delhi - for kind information and necessary action as deemed fit, please.
2. The Joint Director (Vig.), Directorate General of Vigilance, Customs & Central Excise, Samrat Hotel, Chankyapuri, New Delhi – 110021- for kind information please.

Confidential/Confidential



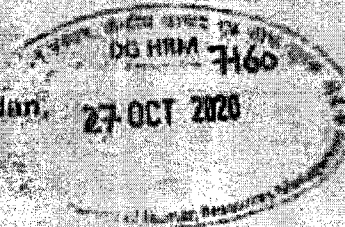
GOVERNMENT OF INDIA  
 MINISTRY OF FINANCE DEPARTMENT OF REVENUE  
 Directorate General of Vigilance, Customs & Central Excise  
 Samrat Hotel, Chankypuri, New Delhi-110021  
 Ph. 011 21611034, Fax-011 26118729, Email-dg.vig@nic.in

P.No.V. 581/18/2019/9499

Date: 13.10.2020

To

The Director General,  
 Human Resource Development,  
 Indirect Taxes and Customs,  
 2nd & 3rd Floor, Bhim Vihar Singh Sahitya Sadan,  
 Connaught Place, New Delhi-110001



Madam,

Sub: Officers posted/exceeded long tenure insensitive posting should be considered more for a longer stint in non-sensitive postings.

While dealing with complaints of Transfer and Postings and vigilance investigation thereof, a suggestion emerged from the North Zonal Unit of this Directorate for systematic improvement that officers posted/exceeded long tenure in sensitive posting should be considered more for a longer stint in non-sensitive postings.

2. If found deem fit, the same may be considered for circulation to all formations of CBIC and a copy of the same may be provided to this office so the same can be intimated to CVC as a systematic improvement aspect in vigilance investigation of transfer and posting related complaints.

This issues with the approval of Pr. DG (Vig.)/CVC, CBIC.

Yours faithfully,

(R. K. Jain)  
 Joint Commissioner (Vig.)

File No. 33012/1(s)/2008-Estt(B) (Pr)

Government of India

Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
\*\*\*\*\*Dated the 12<sup>th</sup> September, 2008OFFICE MEMORANDUM

Subject:- Participation in any form of strike/mass casual leave/boycott of work etc. by Government servants - CCS(Conduct) Rules - regarding.

The undersigned is directed to say that the instructions issued by the Department of Personnel & Training prohibit the Government servants from participating in any form of strike including mass casual leave, go-slow etc. or in any way abet any form of strike which will be in violation of Rule 7 of the CCS(Conduct) Rules, 1964. The Supreme Court has also agreed in several judgements that going on a strike is a grave misconduct under the Conduct Rules and that misconduct by the Government employees is required to be dealt with in accordance with law. Any employee going on strike in any form would face the consequences which, besides deduction of wages, may also include appropriate disciplinary action.

2. A Joint Consultative Machinery (JCM) for Central Government employees is already functioning. This scheme has been introduced with the object of promoting harmonious relations and of securing the greatest measure of cooperation between the Government, in its capacity as employer, and the general body of its employees in matters of common concern, and with the object, further of increasing the efficiency of the public service.

3. Therefore, apart from the fact that any form of strike/mass casual leave/boycott of work would be in violation of the CCS(Conduct) Rules, going on any form of strike will also not be in the interest of the employees. Accordingly, the undersigned is directed to convey that if any employee or an association/group of employees, under any nomenclature, indulge in any form of strike/boycott of work in pursuance of any alleged demands, or send any letter conveying of their intention to organize any such event, in terms of the provisions mentioned in para-1 above, the salary of such employees for the day/days in question shall not be paid and the details of such employees shall have to be intimated by the concerned office where such an event took place to the Administrative Ministry/Department concerned, within 15 days of such incident for a decision on how to treat the unauthorized absence occasioned by such an action by the employees. This will be without prejudice to any disciplinary action that may be initiated against such employees. All Ministries/Departments are requested to bring the contents of this O.M. to the notice of all concerned offices under them.

(Suneel K. Arora)

Under Secretary to the Government of India

To

All Ministries/Departments.