

The Probationer's Journey: From Trial Period to Permanent Post

PHASE 1: The Probationary Appointment



A Trial-Based Appointment

A probationary appointment means a new recruit is taken on a trial basis for a specific period to judge their suitability for the post.



The Purpose of Probation

It gives the employer a chance to observe the employee's work, ability, efficiency, and competence before they are absorbed into permanent service.



No Right to the Post

A probationer does not have a substantive right to the position and their service can be terminated at any time during the probationary period before confirmation.



Defined Probation Period

The length of the probation is typically specified in the service rules or the appointment order and may include provisions for extension.



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PHASE 2: The Confirmation Process The Gateway to a Permanent Post

Upon successful completion of probation, an employee is considered for confirmation, which grants them a substantive right to the post.



Must Be a Just and Fair Process

The employer has a moral and legal obligation to act fairly. The decision to not confirm cannot be irrational or arbitrary.



A Specific Order is Required

The law does not recognize automatic confirmation. A probationer cannot acquire permanent status without an express order, unless specific rules provide otherwise.



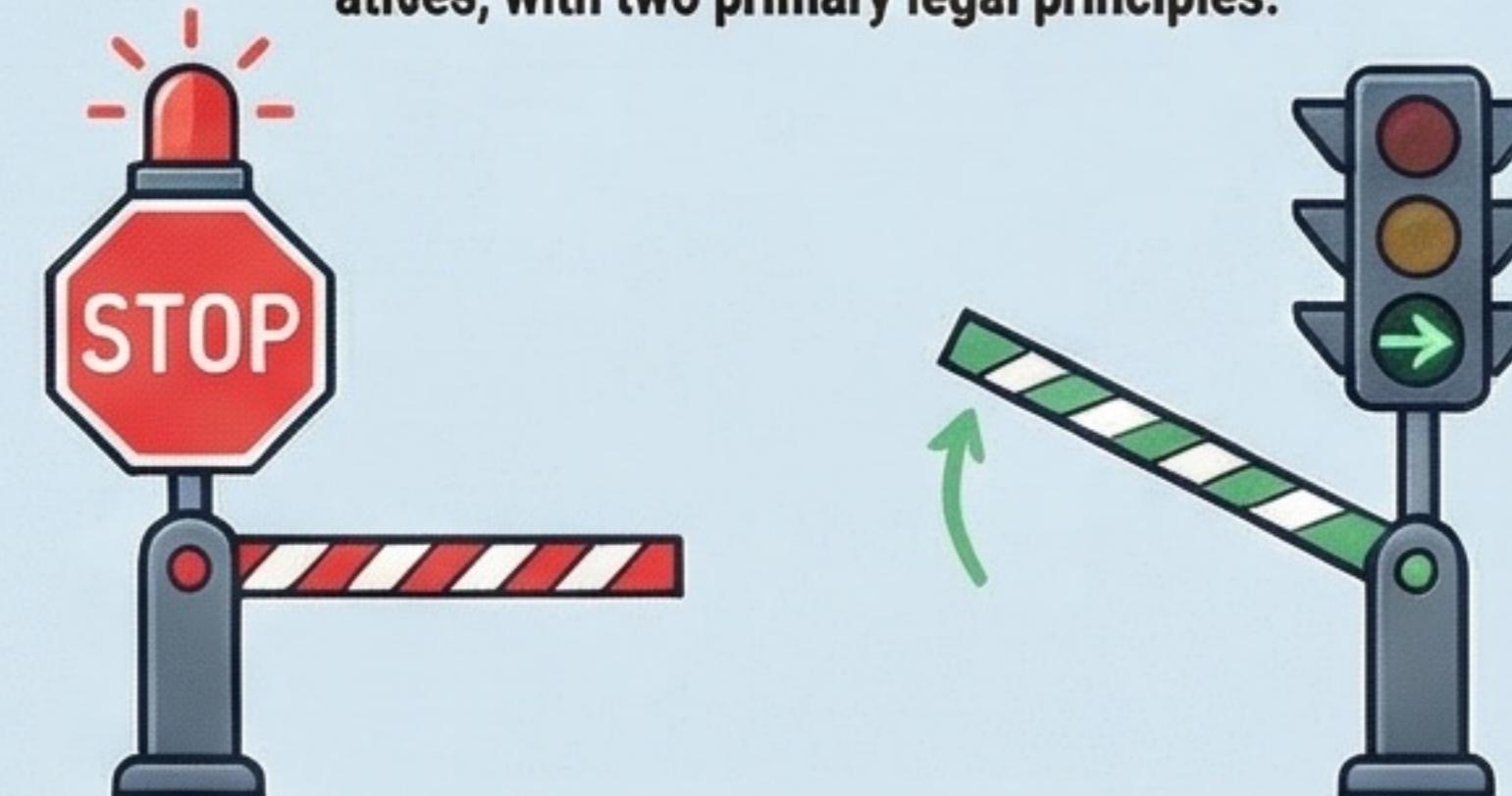
Communication is Crucial

The employee should be made aware of any defects in their work or performance to provide them with an opportunity to improve.

PHASE 3: The Complex Case of "Deemed Confirmation"

What if an employee continues working after the probation period ends?

When no order of confirmation or termination is passed, the question of "implied" or "deemed" confirmation arises, with two primary legal principles.



General Rule: No Deemed Confirmation

Simply continuing to work beyond the initial probation period does not automatically result in confirmation. The employee is considered to be on probation until a specific order is issued.



Context Matters

The "Dharam Singh" principle can be negated by other rules, such as a clause that explicitly states probation is "deemed extended," or by the employee's own conduct, like a long absence from duty.

The Exception: The "Dharam Singh" Principle

If service rules specify a maximum period of probation (e.g., "not to exceed X years"), and an employee continues to work beyond that maximum, confirmation is deemed to have accrued by implication.

PHASE 4: The Final Outcomes



Outcome 1: Confirmation

The employee attains a substantive status with a right to the post. Their service can only be terminated in accordance with constitutionally valid rules (e.g., Article 311).



For Direct Recruits

If not confirmed, the probationary appointment ends, and the employer-employee relationship ceases.



Outcome 2: Non-Confirmation

If the probationer is found unsuitable, the consequence depends on their initial recruitment method.



For Promotees or Transferees

If not confirmed in the higher post, the employee is resorted to the lower post from which they were promoted or transferred.