

MASTER CIRCULAR

Master Circular No. 19

Confirmation of Non-gazetted Railway Servants.

At present, the orders relating to confirmation are scattered in a number of office circulars/ orders issued from time to time. The question of consolidation of these existing orders/ circulars into one Master Circular has been under consideration of the Ministry of Railways (Railway Board). They have now decided to issue consolidated orders on the subject as below for the information and guidance of all concerned.

2.

A. General:

- i. Confirmation will be made only once in the service of a Railway servant which will be in the entry grade;
- ii. Confirmation is delinked from the availability of permanent posts in the grade. In other words, a Railway servant who has successfully completed the probation may be considered for confirmation;
- iii. A two years probation period should be introduced in all recruitment grades. Where initial training period is prescribed such as in the case of Apprentice PWIs, Traffic Apprentices etc, the probation period will start after a successful completion of the training.

B. Confirmation in the Grade to which initially recruited:

- i. The appointee should satisfactorily complete the probation;
- ii. The existing procedure for considering a Railway servant as eligible for confirmation should continue to be followed;
- iii. A specific orders of confirmation will be issued when the case is cleared from all angles.

C. On promotion:

- i. If the recruitment rules do not provided for any probation, a Railway servant promoted on regular basis after following the prescribed procedure will have all the benefit that a person confirmed in that grade would have;
- ii. Where probation is prescribed the appointing authority will on completion of the prescribed period of probation assess the work and conduct of the Railway servant himself and in case the Railway servant is found 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 Railway servant has not been satisfactory or need to be watched for some more time, he may revert him to the post or grade from which was promoted or extend the period of probation as the case may be. Since there will be no confirmation on promotion before an official is declared to have completed the probation satisfactorily, a rigorous screening of his performance should be made and there should be no

hesitation to revert a person to the post or grade from which he was promoted, if his work during probation has not been satisfactory.

- iii. In both the cases referred to above i.e. where recruitment rules do or do not provide for a probation period on promotion, the benefit of confirmation in a promotion grade will follow only after a period of 24 months has elapsed from the date of promotion on regular basis.

3. The revised procedure relating to confirmation will not apply to the cases of appointments made on ad-hoc basis i.e it is only the appointments made on regular basis, which will come within the purview of these instructions.

4. Sometimes Establishments are created for a specific objective for a limited period as in the case of Committees and Commissions to study or investigate a specific problem. Normally, posts in such Establishments are filled by deputation or on contract basis, which would not result in regular incumbency. Even in a few cases where regular appointments are made by framing the recruitment rules, appointments are made according to these rules; these instructions about confirmation would not apply. In other words, person appointed against the posts in purely temporary organisations is outside the purview of the revised procedure outlined in the circular.

5. These orders will not apply to ex-cadre/tenure posts/Casual Labourers and substitutes including Casual Labourer and Substitutes with temporary status.

6. These orders will apply to the directly recruited Junior Accounts Assistants subject to the condition that they will be confirmed after successful completion of the probation period if they have passed Appendix –II -A Examination within that period. In case they fail to pass the examination within the prescribed period of probation, the benefit of confirmation will follow only from the date of passing the said examination.

7. These orders will also apply to the Workshop staff i.e. skilled, semi-skilled and unskilled staff employed in workshops. Board's order No. E51/RC1/4/-Pt.É dated 21.11.1953 regarding confirmation of the Workshop staff will be treated as withdrawn.

[No. [E\(NG\)I-88/CN5/2 dated 20.01.1989](#) (RBE 23/1989)]

8. These instructions are effective from 01.01.1989.

Rescinding of irregular confirmation:

9. Cases requiring rescinding of confirmation may arise in circumstances falling in the following categories:

- i. The order of confirmation was clearly contrary to the statutory rules and there is no power or discretion to relax the Rules;
- ii. The orders of confirmation was made in error e.g. naming wrong person, mistake in identity; and

- iii. The order of confirmation was made in contravention of executive or administrative instructions.

NOTE: Order of confirmation in cases (i) and (ii) above is void *ab initio* and the Railway servant does not acquire any right to hold the post in which the order purported to confirm him.

Cases falling under Item (iii) above may, however, amount to reduction in rank without any fault on the part of the Railway servant.

[No. [E\(NG\)I/68/CN5/18](#) dated [15.07.1969](#) and [E\(NG\)I/82/CN5/3](#) dated [27.07.1982](#)]

10. Ministry of Railway (Railway Board) have decided that in so far as non-gazetted Railway servants are concerned, the cases pertaining to rescinding of confirmation may be decided with the approval of the General Manager or and other officer not below the rank of Head of the Department.

11. General:

- a. While referring to this Circular, the original letters referred to herein should be read for a proper appreciation. The Circular is only a consolidation of the instructions issued so far and should not be treated as a substitution to the originals. In case of doubt, the original circular should be relied upon as authority.
- b. The instructions contained in the original circulars referred to have only prospective effect from the date of issue unless specifically indicated otherwise in the concerned circular. For dealing with old cases, the instructions in force at the relevant time should be referred to and
- c. If any circular on the subject, which has not been superseded, has not been taken into consideration while preparing this consolidated letter, the said circular, which has been missed through oversight, should be treated as valid and operative. Such a missing circular, if any, may be brought to the notice of the Railway Board.

List of circulars from which consolidation has been made and Subsequent letters.

1. [E\(NG\)I/68/CN5/18](#) dated [15.07.1969](#)
2. [E\(NG\)I/82/CN5/3](#) dated [27.07.1982](#)
3. [E\(NG\)I-88/CN5/2](#) dated [20.01.1989](#) (RBE 23/1989).
4. ([Supplementary Circular No. 1](#) to Master Circular No. 19) Concept of Lien as revised due to changes in the procedure of confirmation.
5. Supplementary Circular No. 2 to Master Circular No. 19 vide Railway Board's letter No. [E\(NG\)I-98/CN5/1](#) dated [02.08.2001](#) (RBE 148/2001)