

MINISTRY OF COMMERCE & INDUSTRY
(Ministry of Commerce)

SHORT TITLE AND COMMENCEMENT

1. a) These rules may be called the Coffee Board Servants (Probation) Rules, 1986.

b) These rules will have immediate effect.

c) In these rules, the term 'Grade', 'Post', 'Appointing Authority', etc., will have the same meaning as in the Coffee Board Servants (Classification, Control and Appeal) Rules, 1959.

2. **INTERPRETATION**

For the purpose of these rules:

- a) The term 'Probationer' does not cover a Board's servant who holds substantively a permanent post in a cadre and is appointed 'on probation' to another post.
 - b) No person appointed substantively to a permanent post in a cadre is a probationer unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examinations, etc. A Board's servant appointed (and continuing in service) remains a probationer until he is confirmed.
 - c) 'On Probation' means the status of a Board employee appointed to a post or promoted from one post to another (not necessarily vacant substantively) for determining his suitability for eventual substantive appointment to that post.
3. These rules will apply to all Board's employees other than those appointed by the Government of India under Section 9 of Coffee Act or for whom special conditions of service under contract have been laid down.
 4. Where it is intended that first appointment to a post shall normally be on probation, the period of probation shall be the period prescribed under the rules regulating the recruitment to that post.
 5. Where the appointing authority is the Executive Committee or the Chairman, the period of probation may be extended or reduced or waived by such period

as the Executive Committee or the Chairman deems fit for reasons to be recorded in the order directing the extension or reduction or waiver.

6. Where the Chairman makes the appointment with the approval of the Executive Committee/and/or the Central Government, the period of probation may be extended or reduced or waived by the Chairman with the approval of the Executive Committee and/or the Central Government, as the case may be, for the reasons to be recorded in the order directing the extension or reduction or waiver.
7. While the normal probation period may be extended in certain cases, probation should not be extended for more than a year and no employee should be kept on probation for more than double the normal period. When an employee is kept on probation beyond the prescribed period of probation under the recruitment rules, a review of his/her should be made once in six thereafter, in order to assess his/her suitability in that post for the purpose of confirming the prescribed period of probation or for extension of the probation period.
8. The decision whether an employee should be declared as having satisfactorily completed the prescribed period of probation under the rules or his/her probation should be extended, should be taken soon after the expiry of the initial probationary period, i.e, ordinarily within six to eight weeks and communicated to the employee together with the reasons in case of extension. Probationers who are not making satisfactory progress or who show themselves to be inadequate for service in any way, should be informed of their short coming well before the expiry of the original probation period so that they can take special efforts to show improvements in their work and conduct.
9. Before the completion of the extended period of probation, the appointing authority shall record an order either informing the probationer as having completed the probation period satisfactorily with effect from such date as the authority deems fit or for further extending the period of probation, shall be passed without taking formal proceedings prescribed for the removal or dismissal of the Bolard's servant under Coffee Board Servants (Classification, Control and Appeal), Rules, 1959.

NOTE: The term 'discharge' in this para includes, in the case of a probationer appointed by promotion from another post, reversion to the lower post.

10. a) Notwithstanding anything contained in Rules9 above, the appointing authority may, at any time, discharge from service a probationer on grounds arising out of the special condition laid down by the rules or in the order of appointment, e.g., failure to acquire the prescribed special qualifications, if any, or on account of his unsuitability for the service.

b) An order discharging a probationer under this rule shall indicate the grounds for discharge, but no formal proceedings prescribed in the Coffee Board Servants (Classification, Control and Appeal) Rules, 1959 shall be necessary.

11. No appeal shall lie against an order discharging a probationer except against an order of discharge passed under Rule 9.
12. A probationer shall not be confirmed until he has served on probation for the period prescribed in the rules of recruitment and unless he secures a pass in the departmental examination, which may, by rules or order, be prescribed as a condition of confirmation in the post in which it is proposed to confirm him and has been declared by the appointing authority, to be fit for confirmation.
13. No increment or pay beyond the pay prescribed for the period of probation referred to in the rules of recruitment may be drawn by the probationer unless he is declared to have satisfactorily completed the prescribed period of probation.
14. If the probationer is declared to have satisfactorily completed the probation period exceeding 12 months prescribed under the rules of recruitment, the official is entitled to claim retrospectively the increments which, but for his/her probation, he/she would have received in the ordinary course.
15. In case where the period of probation is extended on account of failure to pass the departmental examination, while there is no objection to regulate the pay and increments on confirmation of probation at the end of the extended period of probation on the basis of what the probationer would have drawn but for his probation, no arrears on this account should be allowed to him for the period prior to the date of confirmation of his probation. In other words, this would mean that the increment of probationer is withheld without cumulative effect for the failure to pass the departmental examination and cannot be considered as penalty under the meaning of Rule 9 of Coffee Board Servants (CCA) Rules, 1959.

16. **REPEAL AND SAVING**

The Coffee Board Servants (probation) Rules, 1959, 1959, as amended from time to time, and any notifications or orders issued thereunder in so far as they are in consistent with these rules, are hereby repealed:

Provided that

- a) Such repeal shall not affect the previous operation of the said rules or any Notifications or orders made, or anything done, any action taken thereunder;
- b) any proceedings under the said rules, pending at the commencement of these rules apply, of any right of appeal which had accrued to him under the rules, notifications or orders in force before the commencement of these rules;
- c) nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules, notification or orders in force before the commencement of these rules;

- d) an appeal pending at the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with these rules as if such orders were made and the appeals were preferred under these rules;
- e) as from the commencement of these rules, any appeal or application for review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules.

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by any rules in force before commencement of these rules.