

44. THE INDIAN FOREST SERVICE (PROBATION) RULES, 1968¹

In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Service Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely :

1. **Short title and commencement.**—(1) These Rules may be called the Indian Forest Service (Probation) Rules, 1968.

(2) They shall be deemed to have come into force on the 1st day of October, 1966.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires,—

- (a) "*Commission*" means the Union Public Service Commission ;
- (b) "*Institute*" means the Forest Research Institute and College, Dehra Dun ;
- (c) "*Period of probation*" in relation to a probationer means the period of probation specified in Rule 3 ;
- (d) "*President*" means the President of the Forest Research Institute and College, Dehra Dun ;
- (e) "*Probationer*" means a person appointed to the Service on probation ;
- (f) "*Schedule*" means the Schedule appended to these rules ;
- (g) "*Service*" means the Indian Forest Service ;
- (h) "*State*" means a State specified in the First schedule to the Constitution and includes a Union Territory ;
- ²(i) "*State Government*" means the Government of that State to which a probationer ; is allotted or deputed for practical training and in relation to a probationer allotted to a Joint Cadre, the Joint Cadre Authority.

3. **Period of probation.**—(1) Every person recruited to the Service in accordance with sub-rule (1) of Rule 4 of the Indian Forest Service (Recruitment) Rules, 1966, shall be appointed to the Service on probation for a period of one year :

Provided that the Central Government may, on the recommendation of the State Government, dispense with the period of probation of person, who prior to his recruitment to the Service was holding substantively the post of or above the rank of Conservator of Forest or its equivalent.

1. No. 2/4/65-AIS (IV), dated 6.5.1968.

2. Ins. by DP Notification No. 13/4/71-AIS (I), dated 11.2.1992.

(2) Every person recruited to the Service in accordance with the Indian Forest Service (Appointment by Competitive Examination) Regulations, 1967, or the Indian Forest Service (Released Emergency Commissioned and Short Service Commissioned Officers) (Appointment by Competitive Examination) Regulations, 1968 shall be appointed to the Service on probation for a period of three years :

Provided that any period of training for Diploma Course in Forestry at the Institute or in any other Institution recognised by the Central Government as equivalent thereto, when followed by appointment to a gazetted Post in State Forest Service may be counted towards the period of probation on the recommendation of the State Government.

(3) Every person recruited to the Service in accordance with the Indian Forest Service (Appointment by Probation) Regulations, 1966, shall be appointed to the Service on probation for a period of one year :

Provided that in the case of any person so recruited; any period for which he has been appointed to a cadre post may having regard to his performance in such post, be counted towards the period of probation :

Provided further that the Central Government may, in exceptional circumstances of any case after consulting the Commission, reduce the period of probation.

¹(4) The Central Government may, if it so thinks fit in any case or class of cases extend the period of probation subject to the conditions, that—

- (a) the total period upto which a person recruited to the service referred to in sub-rule (2) or sub-rule (3) may be kept on probation shall not ordinarily exceed two years ; and
- (b) the total period upto which a person recruited to the service referred to in sub-rule (2) of sub-rule (3) may be kept on probation, shall not ordinarily exceed six years.

(4-A) Notwithstanding anything contained in sub-rule (4) if during the period of probation, a probationer is placed under suspension or disciplinary proceedings are contemplated or started against him, or an investigation, enquiry or trial relating to a criminal charge is pending against him, the period of his probation may be extended for such period.

(5) In this rule, 'cadre post' has the same meaning as in clause (b) of Rule 2 of the Indian Forest Service (Cadre) Rules, 1966.

4. Confirmation.—Where a probationer has completed his period of probation to the satisfaction of the Central Government, he shall, subject to the other provisions of these rules, be confirmed in the service at the end of his period of probation.

5. Execution of agreement.— A probationer shall on appointment to the Service execute an agreement in the form specified in the schedule binding himself and one surety, jointly and severally, in the event of his failing to

1. Subs. by GSR 1361, dated 25.7.1976.

comply with any of the provisions of these rules to the satisfaction of the Central Government to refund any moneys paid to him consequent on his appointment as a probationer :

Provided that the provisions of this rule shall not apply to probationers appointed to the Service in accordance with the Indian Forest Service (Appointment by Promotion) Regulations, 1966.

6. ¹**Training.**—Every probationer referred to in sub-rule (2) of Rule 3 shall, on appointment to the service, attend and undergo such training and for such periods as the Central Government may direct in—

- (i) the ²Lal Bahadur Shastri National Academy of Administration ; and
- (ii) the Institute :

Provided that the Central Government may, if it so thinks fit, dispense with such training or any part thereof with respect to any class of probationers after taking into consideration any training already undergone by such class of probationers.

(2) On completion of the training in the ³Lal Bahadur Shastri National Academy of Administration and the Institute, every probationer shall undergo such further training in the State to which he is posted and for such period as the Central Government may, in consultation with the State Government concerned, direct.

⁴(3) Every probationer referred to in sub-rule (3) of Rule 3 who has not attained the age of 52 years on such appointment and who has not already undergone any training before his appointment to the service shall undergo such training in the Lal Bahadur Shastri National Academy of Administration, the Forest Research Institute and Colleges, the State Training Institutions and other established training institutions in the country and for such period as the Central Government may consider necessary.

(4) The provisions of Rules 7 to 9 shall not apply to a probationer referred to in sub-rule (3).

7. Record in the Institute and in the Lal Bahadur Shastri National Academy of Administrations.—(1) Probationer under training shall attend such lectures and undergo such tests and exercise as the President may, from time to time direct.

(2) At the end of the period of training the President shall assess the record in the Institute of each probationer by awarding him such number of marks out of a maximum of 250 marks as he may, in each case, think fit.

⁵(3) At the end of the period of training in the Lal Bahadur Shastri National Academy of Administration, the Director of the Academy shall assess

1. Subs. by MHA Notification No. 7/2/69-AIS (IV), dated 7.6.1969.
2. Substituted/Omitted by DP & AR Notification No. 9/3/73-AIS (III)-C, dated 2.5.1974.
3. *Ibid.*
4. G.S.R. 531 (E), dated 18.11.1978, Gazette of India, dated 8.11.1978.
5. Subs. by 7/32/70-AIS (IV), dated 6.3.1973, w.e.f. 17.3.1973.

the record in the Academy of each probationer by awarding him such number of marks out of a maximum of seventy-five marks as he may, in each case, think fit on the results of the examination held at the end of the Foundational Course.

8. Final examination.—(1) Every probationer shall be required during the period of training to appear at such examinations to be conducted by the President as may be prescribed by the Central Government.

(2) The examinations shall be conducted by the President in accordance with such regulations as the Central Government may, in consultation with the State Governments and the Commission from time to time make.

9. Failure to appear at the final examination in certain circumstances.—Where a probationer is prevented by sickness or other cause over which he has to control from completing his course of studies for the final examinations or from appearing at such examinations, the Central Government, may allow him to appear at the next final examination or any special examination which the President may hold for the purpose, or ¹may exempt him from appearing in all or any of the subjects prescribed for the final examination.

10. Failure to pass the final examination.—Where a probationer fails to obtain the minimum number of marks prescribed for any subject, group of subjects or part of the final examinations, under the regulations framed under Rule 8, the Central Government may permit him to sit for re-examination in the subject or subjects in which he failed, ²[

Provided that the marks awarded to a probationer on such re-examination shall not be taken into account in determining his seniority :

³Provided further that the Central Government may exempt a probationer, appointed to the service on the results of the competitive examination held in 1970 or earlier, from re-appearing in the subject or subjects in which he failed, to obtain the prescribed minimum number of marks in the final examination.

11. Seniority of probationers.—(1) The Central Government shall prepare a list of all probationers who are appointed to the Service on the results of the same competitive examination. Such list shall be arranged in order of merit, which shall be determined on the basis of the marks obtained by each probationer, calculated in the manner specified below :

- (a) full aggregate marks in the competitive examination ; and
- (b) 50% of the aggregate marks in the Indian Forest Service Probationer's Final Examination and the assessment of the record is the Institute ⁴[and in the Lal Bahadur Shastri National Academy of Administration :

Provided that in determining such order of merit no account shall be taken of marks awarded to a probationer in any subject in which he has failed to satisfy the President :

1. Subs. by MHA Notification No. 7/32/68-AIS (VI), dated 12.8.1969.
2. Omitted by 11037/3/76-AIS (III)-C, dated 7.6.1976.
3. Subs./Ins. by 7/32/73-AIS (IV), dated 31.8.1970, w.e.f. 17.3.1973.
4. *Ibid.*

¹[Provided further that if two or more probationers have secured equal number of marks in the aggregate, their order of merit shall be the order of their dates of birth.

Explanation.—In the case of a probationers exempted under proviso to Rule 6 from undergoing training at the Institute, the marks obtained in the Final Diploma Course Examination or in any other Institution recognised by the Central Government as equivalent thereto passed by them before their appointment to the State Forest Service shall be transformed in the ratio that the total aggregate marks of the Diploma Course Examination, or an examination recognised as equivalent thereto, passed by them bears to the aggregate marks in the examination referred to in Rule 8 and the maximum marks referred to in Rule 7 (2). The number thus arrived at shall be further reduced by 50% for purposes of sub-clause (b) of this sub-rule. Further in such cases as it may be applicable, the marks obtained by probationers covered by this explanation in any subject in which they were re-examined shall be excluded in terms of the proviso to Rule 10.

(2) The seniority *inter se* of the probationers recruited on the basis of each competitive examinations shall be determined in accordance with the list prepared under sub-rule (1).

²[(3) The provisions of sub-rules (1) and (2) shall not apply to probationers appointed to the Service in accordance with Rule 7-A of the Indian Forest Service (Recruitment) Rules, 1966.

12. Discipline and conduct.—(1) A probationer referred to in Rule 6 shall be under the disciplinary control of the President while undergoing training in the Institute and of Director Lal Bahadur Shastri National Academy of Administration while undergoing training in the said Academy and shall obey such general or special orders as may be given by the President or the Director, Academy, from time to time.

(2) While working in the State every probationer shall be under the disciplinary control of the State Government.

(3) A probationer shall be liable to be removed or dismissed from service if he fails to obey any order which he may receive from the Central Government or from any other competent authority or if, in the opinion of the Central Government, he has wilfully neglected his probationary studies or duties or is guilty of conduct on becoming a member of the service :

³[Provided that before any action is taken against a probationer under this sub-rule, the procedure prescribed in Rule 8 of the All India Services (Discipline and Appeal) Rules, 1955 shall be followed :

Provided further that before any final order is passed against a probationer under this sub-rule, the Commission shall be consulted.

1. Added by MHA Notification No. DP & AR No. GSR 455, dated 22.4.81, published in GI Part II, Sec. (1), dated 9.5.1981.
2. Ins. by DP Notification No. 7/3/69-AIS (IV), dated 16.4.1970, w.e.f. 2.5.1970.
3. Subs. by Notification No. 11037/8/81-AIS (III), dated 14.7.1983.

13. Discharge of a probationer.—A probationer shall be liable to be discharged from the Service, or as the case may be, reverted to ¹the permanent post on which he holds a lien, or would hold a lien, had it not been suspended, under the rules applicable to him prior to his appointment to the Service—

- (a) if he fails to pass the final examination in the circumstances mentioned in Rule 10 ; or
- (b) if the Central Government is satisfied that the probationer was ineligible for recruitment to the service or is unsuitable for being a member of the service ; or
- (c) if he is found lacking in qualities of mind and character needed for the service or in the constructive outlook and human sympathy needed in the public services generally ; or
- (d) if he fails to comply with any of the provisions of these rules.

14. Salary during the period of probation.—²[(1) A person recruited to the Service,—

- (i) in accordance with the Indian Forest Service (Appointment by Competitive Examination) Regulations, 1967, referred to in sub-rule (2) of Rule 3, shall, receive salary in the lowest stage of the junior time-scale applicable to the Service during the first year, at the second stage of that scale during the second year and the third stage of that scale during the remaining period of probation, and
- (ii) in accordance with the Indian Forest Service (Released Emergency Commissioned and Short Service Commissioned Officer) (Appointment by Competitive Examination) Regulations, 1968, referred to in sub-rule (2) of Rule 3 shall receive salary in the stage, fixed for him of the junior time-scale during the first year, the next higher stage of that scale during the second year, and the next higher stage after that of the junior time-scale during the remaining period of probation :

³Provided that, if the pay of the permanent post, on which a person, referred to in clause (i) holds a lien, or would hold a lien, had it not been suspended, under the rules applicable to him prior to his appointment to the Service is, at any time, more than the minimum of the junior time-scale, he shall draw the pay of permanent post.

(2) A person referred to in sub-rule (3) of Rule 3 shall receive salary in the stage fixed for him in the senior scale in accordance with Rule 4 of the Indian Forest Service (Pay) Rules, 1968 ⁴and also draw increments which may be due to him.

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- 1. Subs. by DP Notification No. 7/26/72-AIS (IV), dated 12.9.1972, w.e.f. 23-9-1972.
 - 2. Subs. by MHA Notification No. 7/23/68-AIS (III), dated 18.4.1969.
 - 3. Ins. by DP Notification No. 7/26/72-AIS (IV), dated 12.9.1972, w.e.f. 23.9.1972.
 - 4. Ins. by DP Notification No. 7/13/71-AIS (IV), dated 27.8.1971, w.e.f. 9.10.1971.

¹14-A. Travelling Allowance.—(1) A probationer shall be entitled—

- (i) for the journey from the Forest Research Institute and College to the Lal Bahadur Shastri National Academy of Administration to travelling allowance as may be admissible to a member of the Service on tour ;
- (b) for the journey from the Lal Bahadur Shastri Academy of Administration to the State, to travelling allowance as may be admissible to a member of the Service on tour plus a lump sum of Rs. 100 and also to joining time as on transfer.

(2) A probationer shall not be entitled to any daily allowance during his halt at the Forest Research Institute and College or Lal Bahadur Shastri National Academy of Administration or at various places to which he may be posted in the course of his practical training in the State.

(3) A probationer shall be entitled to travelling allowance for the journeys which he may undertake—

- (a) while undergoing training at the Forest Research Institute and Colleges Lal Bahadur Shastri National Academy of Administration; and
- (b) while undergoing training in the State, on the same scale as may be admissible to a member of the service on tour under the All India Services (Travelling Allowance) Rules, 1954.

15. Saving.—Nothing in these rules shall be constituted as limiting the power of the Central Government, for good and sufficient reasons, to dismiss or remove a probationer at any time from the service.

16. Interpretation.—If any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

SCHEDULE

[See Rule 5]

To

The President of India.

Whereas I, ²

a probationer in the Indian Forest Service (hereinafter referred to as “the probationer”) being entitled [subject to compliance with the Indian Forest Service (Probation) Rules, 1968] to receive from the President of India (hereinafter referred to as the Central Government) or from the Government of the State to which I may be posted pay and allowance during the period in which I am under training ;

Now, we, the probationer, and³

(hereinafter referred to as “the surety”) jointly and severally, do hereby in pursuance of the said rules, promise and agree in the event of the failure of

1. Subs. by Notification No. 16019/4/75-AIS (III)-A, dated 21.1.1976.

2. Here insert the full name and address of the probationer.

3. The surety is required to insert his full name and address and occupation.

the probationer to complete probation to the satisfaction of the Central Government, to refund to the Central Government on demand any moneys paid to him, including the pay and travelling expenses to join appointment.

The surety hereby agree that his liability hereinafter shall not be affected by the Central Government extending the period of probation or giving the probationer and extension of time for payment of or compounding the amount payable hereunder.

Stamp duty payable on this bond shall be borne and paid by the Government.

Dated this.....day of.....19.

Signature of probationer

Signed by the probationer in the presence of—

Name of witness

Address

Occupation

Signature of the surety

Signature of the surety in the presence of—

Name of witness

Address

Occupation

I,¹

whose signature is appended to the above agreement as surety, do hereby declare that I am—

²(a) in the permanent service of the Government of

or

³(b) ordinarily resident in India and that I possess means which will enable me to repay to the Central Government the sums of money referred to, in the event of my being called upon to do so in accordance with the term of the agreement.

Signature of the Surety

Signed by the Surety in the presence of—

Name of witness

Address

Occupation

1. One of these should be struck out.

2. *Ibid.*

3. *ibid.*