

No. A-11019/6/75-EGI  
GOVERNMENT OF INDIA/BHARAT SARKAR  
MINISTRY OF FINANCE/VITTA MANTRALAYA  
DEPARTMENT OF EXPENDITURE/VAYAY VIBHAG

NEW DELHI, the 24th March, 1976  
4 Chitra, 1898.

OFFICE MEMORANDUM

Subject: Conversion of temporary posts into permanent ones in Ministries/Departments of the Government of India.

The undersigned is directed to state that a need has been felt for some time past of consolidating at one place the instructions/orders issued from time to time. Accordingly in supersession of all the previous orders on the subject the conversion of temporary posts into permanent ones will be governed by the following orders. The Ministry of Home Affairs etc. are requested that these orders may be brought to the notice of all the administrative authorities under them for information/guidance and compliance.

PERMANENT DEPARTMENTS

- (i) In all permanent Departments, other than the Posts and Telegraphs Department, the administrative Ministries/Departments may, if they are satisfied that the temporary posts are required for work of a permanent nature, convert with the approval of the respective Internal Financial Advisers, 90% of such posts upto the level of Deputy Secretaries, including Class IV posts, into permanent ones provided they have been in existence for a continuous period of not less than 3 years.
- (ii) The conversion of temporary posts into permanent ones in the Posts and Telegraphs Departments will continue to be regulated by special orders issued by that Department if they are more favourable than the orders mentioned in para (i) above.
- (iii) In Government workshops and Industrial Establishments the conversion of temporary posts into permanent ones will continue to be regulated in accordance with the existing practice or orders which are applicable to the respective units until such time as the administrative Ministry/Department concerned is in a definite position to assess its permanent requirements of industrial staff. Such existing orders will also apply to temporary non-industrial posts which have been created in connection with the functioning of the workshops or industrial installations concerned.

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- (iv) In Government Colleges, Schools and Teachers Training Institutions where enrolment has stabilized 100% of the temporary teaching posts may be made permanent by the Administrative Ministry/Department concerned provided that the temporary posts have been in existence for a continuous period of not less than three years and are required for work of a permanent nature.

2. DELEGATION OF POWERS.

The Administrators of Union Territories, and the Heads of Departments have also been delegated powers to convert those temporary posts which they are competent to create permanently subject to the conditions that such posts should have been in existence for a continuous period of not less than 3 years and are required for work of a permanent nature.

3. TEMPORARY DEPARTMENT

(i) In temporary Departments such as the Department of Rehabilitation, etc. which have existed for not less than 10 years and are not proposed to be wound up in the foreseeable future 50% of the temporary posts may be converted into permanent ones with the approval of Internal Financial Advisers provided the posts have been in continuous existence for a period of 5 years or more and are required indefinitely.

(ii) It is clarified that the above orders do not guarantee that the temporary organisations would not be wound up or reduced in size in future. In the event of such an organisation not being continued in the existing form or strength the retrenched employees would, however, be entitled to retrenchment benefits as provided under the relevant Rules and orders.

4. The temporary posts above the level of Deputy Secretary in the Secretariat of the Government of India, for the present are not made permanent as such posts are generally held either on tenure basis by officers of the organised services who hold liens on substantive posts in their parent cadres or by officers of the Central Secretariat Service and the temporary nature of such posts will not affect anybody adversely. However, to obviate the necessity of having to extend such posts from year to year it has been decided in consultation with the Comptroller and Auditor General of India, that after the posts, above the level of Deputy Secretary, have been in existence initially for three years on year to year basis, such posts may be categorised as "Continuing Posts" and their continuance sanctioned for a block period of five years.

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5. CLASSIFICATION OF WORKCHARGED STAFF AS INDUSTRIAL AND NON-INDUSTRIAL.

(i) Work-charged staff who are not engaged on a casual or daily rates basis are classified into industrial and non-industrial categories depending on the nature of their duties. For the purposes of such classification, the following types of categories may be considered to be non-industrial:-

- (i) Supervisory staff the minimum of scale of pay is not less than Rs.380/- p.m.
- (ii) Clerical staff
- (iii) Watch and Ward Staff
- (iv) Conservancy staff
- (v) Fire-fighting staff
- (vi) Messengerial staff
- (vii) Medical staff.

(II) Work-charged staff in non-industrial categories brought on the regular Establishment entitle them to all the concessions admissible to regular non-industrial staff.

(III) As regards industrial categories, permanent posts are created to the extent of 50% of posts which have been in existence for more than 3 years and which are likely to continue on a long-term basis, enabling confirmation of work-charged staff whose services are likely to be required on a permanent basis.

6. GROUPING OF POSTS

In cases where there are posts of similar duties and responsibilities but under different designations the number of such posts may be taken as a whole, wherever necessary or possible. This is particularly helpful in cases where there are single posts with different designations but similar duties.

7. DATE OF EFFECT.

The conversion of temporary posts into permanent ones should take effect, as usual, from the date of issue of the orders conveying the specific sanction to audit for such conversion of posts or group of posts.

8. In cases the calculation of posts at 90% or 50% results in fraction of post the formula to be applied is that one half or more than half should be taken as one and less than half should be ignored.

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9. The Ministries and Departments are required to ensure that prompt action is taken for conversion of temporary posts into permanent ones and the confirmation of eligible employees in such posts should be done as expeditiously as possible.

10. SUCCESSIVE REVIEWS

(I) If two main conditions, namely (i) that the posts should be required for work of a permanent nature, and (ii) that the posts should have been in existence for a continuous period of not less than three years in the date of the review are fulfilled, there is no objection to the same temporary posts being considered for conversion into permanent ones at successive reviews in permanent Departments. Similarly such reviews can also be conducted in temporary Departments provided all the conditions mentioned in para 3(i) above are fulfilled. Such reviews should not, however, be conducted at intervals of less than one year.

(II) In order that the annual reviews are not delayed, the Departments may lay down an adequate drill for monitoring purposes.

11. These orders will also apply to subordinate and attached offices.

12. The Ministries/Departments are requested that the correct position as explained in the preceding paragraphs may be made known to the Heads of the Departments and other concerned authorities.

Sd/-  
( S.K. Das )

Under Secretary to the Government of India.

To

All Ministries/Departments of the Government of India, U.P.S.C. etc. all Branches in the expenditure Divisions in the Department of Expenditure and the I.F.As, Department of Economic Affairs and Revenue and Insurance, Union Public Service Commission Department of Personnel & A.Rs (O & M Branch)

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