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GOVERNMENT OF ORISSA  
GENERAL ADMINISTRATION DEPARTMENT  
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No. SC/1/14/87 6405 /Gen., Bhubaneswar, the 22nd Feb.

OFFICE MEMORANDUM

Doubts and questions have been raised from time to time about the validity of the adhoc promotions and appointments made by Government. Clearly there are two categories :

- a) Initial adhoc appointments to direct recruitment posts.
- b) Promotion of Government servants to higher posts on adhoc basis.

2. In the erstwhile P&S Department Memo No. 6600(18)-Gen, dated 22.5.1962 ( copy enclosed for ready reference) it was clarified that the Orissa Public Service Commission ( Limitation of Functions ) Regulations 1952 does not, strictly speaking, contemplate an extension of adhoc appointment and that even if in any context Government while issuing orders used the word " extension that must virtually be construed as fresh appointment so long as Government have recorded their satisfaction that such an order was essential in the interest of public service and in the light of the Regulations. Therefore, even if the provisional appointment is extended beyond one year, it will be deemed that fresh provisional appointment has started from the date from which the previous provisional appointment came to an end, and by virtue of extension of such provisional appointment the employee does not get right to the post.

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3. (a) In the case of promotion, provisional appointment is extended beyond one year invariably by a Department due to non-receipt of concurrence of P.S.C. in time. Once there is a promotion, there are various consequential changes in the Department as the employees next below the promotees are also promoted to the different ranks. If the adhoc appointment ( promotion ) is suddenly terminated after expiry of one year, then with the termination of such appointment the employees who have got consequential promotion will also stand reverted and this will cause various administrative inconveniences.

(b) The Law Department who were consulted in the matter have expressed their views that continuance of adhoc appointment beyond one year in case of promotion is neither untenable nor irregular specially when it has been made clear that the appointment at any point of time is within the period of one year of adhoc appointment. It is, however made clear that the appointing authority shall issue a fresh order of adhoc appointment soon after the previous term of adhoc appointment comes to an end, provided such authority is satisfied in writing that such appointment is necessary in the interest of public service and necessary steps have been taken by the Department for concurrence by the P.S.C. and there is delay at the end of the P.S.C. in according the concurrence.

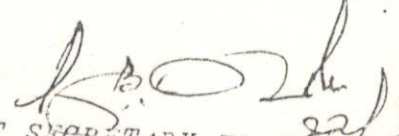
(c) It is, however, clarified that if due to inadvertence no fresh order has been issued making the adhoc appointment after the expiry of the previous term of adhoc appointment, then it will be deemed as if the period after the expiry of the previous term of adhoc appointment is a

fresh appointment extending upto another term of one year. It is further made clear that if fresh adhoc appointment is made on the date on which the former term of adhoc appointment comes to an end ( such appointment may also be made retrospectively if the exigencies of the circumstances so require ) then there will be no need for reversion of the employees who have got consequential promotion on account of the adhoc appointment.

4. In case of fresh recruitment, however, adhoc appointment should terminate at a specified point of time so as to prevent complicacies. In issuing such fresh recruitment orders of adhoc appointment, the date of termination of the appointment should be specifically mentioned in the appointment order so that another order of termination does not become necessary.

Sd/-N. K. PANDA  
Chief Secretary to Government.

Memo No. 64106 /Gen., Bhubaneswar, the 22nd Feb. 1988.  
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All Heads of Departments / Secretary to Chief Minister,  
Orissa / Secretary to Governor, Orissa / Secretary, Orissa  
Public Service Commission, Cuttack / Secretary, Orissa  
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JOINT SECRETARY TO GOVERNMENT.