

- (b) on reciprocal basis, subject to the condition that transferee shall be assigned seniority with reference to the date of transfer in the cadre to which he is transferred”.

Provided also that the Head of the Department may transfer on tenure, from a local cadre to a post to which the Presidential Order does not apply, where such posts are required to be filled on tenure basis from such local cadres and retransfer him to his local cadre.

- (d) A member of a State or Subordinate Service or a class of such service may be required by the appointing authority or any other authority superior to such appointing authority, to serve in any post borne on the cadre of any body wholly or substantially owned or controlled by the Government.

**39. SAVINGS:-** (A) (i) Unless a contrary intention is expressly indicated therein, nothing contained in these rules shall adversely affect any person who was a member of any service on the date of the coming into force of these rules.

- (ii) Unless a contrary intention is expressly indicated therein, nothing contained in any amendments to any special rules governing a service, shall adversely affect any person who was a member of such service on the date of the coming into force thereof.

- (b) Subject to the provisions of sub-rules (c) and (d) where these rules or the Special rules would adversely effect in respect of any matter, a person who was a member of any service before the date of coming into force thereof, he shall, in respect of the post held by him immediately prior to such date be governed by the rules and orders, if any, which were applicable to him immediately prior to such date.

- (c) A person who was on duty, otherwise than in a substantive capacity in a post, which was subsequently included in a service shall be regarded as a probationer or, as the case may be, as an approved probationer in the service or the class or category thereof in which the post is included and in the lower category, if any, in which he would have been on duty in such post immediately before and immediately after such absence.

Provided that if there were no rules or orders prescribing the period of probation for such post at the time of his appointment thereto, the provisions of these rules and of the special rules regarding probation shall apply to him and any period of duty rendered by him in such post before the date of issue of such rules shall count towards probation, if any to the extent such service would have counted had these rules and the special rules come into force at the time of such first appointment.

- (d) A person, who, before the issue of the special rules for a service had officiated in a post which was subsequently included in the service, class or category thereof, but who is not entitled to be regarded as probationer or as an approved probationer under sub-rule (c) shall, if he is again appointed to such post, after the issue of the special

rules without contravening any orders of the State Government, be entitled to count his previous service in such post towards the prescribed period of probation.

Provided that such previous service shall not count towards probation if there was an interval of a continuous period of two years or more during which he was not holding a post in the same or higher category.

Explanation: The re-appointment of a person under this sub-rule shall not, for the purposes of these rules regulating recruitment, be regarded as first appointment to the service, class or category concerned.

(e) if, before the issue of the Special Rules, a person had been exempted under the orders then in force, from the possession of any qualification or the passing of such test prescribed by such special rules, they shall not apply to such person to the extent and in respect of the category, grade or post, specially covered by the order of exemption.

(f) Where a person appointed to a post in accordance with the provisions of rule 4 of the Hyderabad General Recruitment Rules, was holding such post immediately before the first day of November, 1956 he shall continue to be governed by the provisions of the Hyderabad Cadre and Recruitment Rules and Hyderabad Probationary Rules.

The provisions of this sub-rule shall be deemed to have come into force on the first day of November, 1956 and shall be in force upto 31-10-1996.

(g) (i) Nothing in these rules or in the Special Rules shall disqualify or shall be deemed to have ever disqualified an employees of the erstwhile Government of Hyderabad who was allotted to the State of Andhra Pradesh under section 115 of the States Reorganisation Act, 1956, on promotion or recruitment by transfer, on or after the 1st November, 1956, to a post one stage above that held by him prior to the said date, if in the opinion of the appointing authority such person would have been qualified for promotion or for appointment to any such post under the Hyderabad Cadre and Recruitment Rules applicable thereto, had recruitment to such post been regulated by the last mentioned rules.

(ii) The promotion or recruitment by transfer on or after the 1<sup>st</sup> November, 1956 of an employee of the erstwhile Government of Hyderabad under these rules or the special rules of the Hyderabad Cadre and Recruitment Rules, to a post one stage above that held by him prior to that date, shall not in any way affect the protection given in favour of such employee in respect of the beneficial pay scale of promotion or transfer, upto one stage, drawal of increments, pension and other similar matters under the Hyderabad Civil Services Rules.

(iii) The appointment of an employee of the erstwhile Government of Hyderabad, either to an intermediary post for which there was no corresponding post under that Government or to a post by way of second and subsequent promotion on or after the 1<sup>st</sup> November, 1956, shall be governed only by these rules or the special rules, as the

case, may be, and the protection to be afforded to such employee to opt to the beneficial scale of pay on promotion to an intermediary post, which was either in existence on that date or created subsequently in the regular line of promotion, and which is lower than the one to which such employee would have been promoted in the pre-reorganised set up, shall in each case be determined after obtaining the approval of the Government of India.

**M.S.RAJAJEE,**  
**CHIEF SECRETARY TO GOVERNMENT**