



GOVERNMENT OF KERALA

**PERSONNEL AND ADMINISTRATIVE REFORMS
DEPARTMENT**

HAND BOOK
OF
ORDERS ISSUED TO KERALA STATE
AND SUBORDINATE SERVICES
RULES, 1958

(For the period from 7-12-1991 to 28-2-2011)

Price: ₹ 115

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GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—RELINQUISHMENT OF PROMOTION/APPOINTMENT
BY TRANSFER BY EMPLOYEES—GUIDELINES—REVISED

P&AR (RULES) DEPARTMENT

G. O. (P) No. 39/91/P&ARD. Dated, Thiruvananthapuram, 7th December, 1991.

- Read:—* 1. G. O. (P) No. 8/89/P& ARD, dated 12-4-1989.
2. G. O. (P) No. 480/89/Fin. dated 1-11-1989.

ORDER*

According to the provisions contained in Rule 38 Part II Kerala State and Subordinate Services Rules, 1958, Government employees can relinquish their right for promotion/appointment by transfer/appointment, either permanently or temporarily. Definite guidelines were also issued in this regard in the G. O. read as first paper for the guidance of both the appointing authorities and employees themselves.

2. The existing rules/guidelines however do not limit the number of times one can relinquish promotions temporarily. Also, no minimum period for temporary relinquishment has been set. This has resulted in employees relinquishing promotion for short periods to the same grade, a number of times, to suit their convenience. Such temporary relinquishments piecemeal by the same individual on a number of occasions cause administrative inconveniences. It has, therefore, become necessary to limit the number of times one can relinquish promotion temporarily and to stipulate a reasonable minimum period for such temporary relinquishments.

3. Government have examined the matter in detail with reference to para 10 (x) of the Pay Revision orders also (time bound promotion scheme). They are accordingly pleased to order that the guidelines for relinquishment of promotions/appointment/appointment by transfer of Government employees shall be revised as follows with effect from 1-1-1992.

* Published in the Kerala Gazette Extraordinary No. 1480 dated 19th December, 1991.

(i) Promotions/appointments/appointment by transfer (regular as well as provisional) can be relinquished either permanently or temporarily, but relinquishments which are detrimental to public interest and conditional ones shall not be accepted.

(ii) Any relinquishment shall entail loss of seniority to the extent relinquished.

(iii) Temporary relinquishments shall be for a minimum period of one year.

(iv) Temporary relinquishments from one grade to another shall be permitted only once in the service of an officer.

(v) Those who relinquish promotions whether permanently or for specified periods shall not be entitled to the benefit of time bound promotion from existing grades if applicable.

(vi) An employee who got the benefit of time bound promotion will on no account be permitted to relinquish promotion to that grade.

4. The appointing authorities should make necessary entries regarding relinquishments in the Service Book of the employees. In respect of the relinquishments made by Gazetted Officers the fact should be intimated to the Accountant General as well.

5. A statement of relinquishment, (in triplicate) as in the proforma appended to this order should invariably be obtained from the employees who relinquish promotion/appointment/appointment by transfer. One copy thereof should be pasted in the Service Book of the employee. In respect of relinquishments by Gazetted Officers, one copy should be sent to the Accountant General.

By order of the Governor,

P. SHANMUGHASUNDARAM,
Commissioner and Secretary to Government.

APPENDIX

STATEMENT OF RELINGUISHMENT

Having understood the provisions of G. O. (P) 39/91/P&ARD dated 7-12-1991 I.....
 (Name & Designation), in exercise of the right conferred under Rule 38 of Kerala State and Subordinate Services Rules, 1958, hereby relinquish my right for promotion/appointment/appointment by transfer as.....
 (Name of Post) and consequent benefits* permanently/temporarily for a period of one year/.....years (specify the period in the case of temporary relinquishment, from the due date of promotion).

I do also hereby declare that nothing contained in the Kerala State and Subordinate Services Rules, 1958 or in the Special Rules applicable to me shall be deemed to require the recognition of my right or privilege to the extent to which I have so relinquished.

Signed on the.....day of.....19

Place:

Signature:

Name:

Designation:

Office:

Witnesses

1. Signature

Name and Designation

2. do.

do.

For Office use

The relinquishment made by Shri/Smt.....
 Name.....(Designation).....
 (Office).....accepted.

Necessary entries to the effect have been made in the Service Book of the Officer.

Signature

Name and Designation

Date:

Authority.

*Strike out whichever is not applicable.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR MEMORANDUM

No. 8017/Rules-1/91/P&ARD. Dated, Thiruvananthapuram, 22nd April, 1992.

Sub:— Public Services Conformation in Service Timely action
Instruction issued.

Sub-rule (a) of General Rule 24 in Part II of the Kerala State and Subordinate Service Rules, 1958, which is extracted below, envisages conformation of Government employees in service.

“Rule 24: Appointment of full members:—

- (a) Subject to the provisions of rule 8 an approved probationer shall be appointed to be a full member of the service in the class or category for which he was selected, at the earliest possible opportunity in any substantive vacancy which may exist or arise in the permanent cadre or such class or category and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from the date or, as the case may be, from any subsequent date from which he was continuously on duty as a member of the service in such class or category or in a higher class or category.”

According to the above rule an approved probationer should be appointed as a full member of the service at the earliest possible opportunity in any substantive vacancy in the permanent cadre. But it has come to the notice of the Government that inspite of the above statutory provision in the rules, timely action is not being taken by the Appointing Authorities for confirming the services of the Subordinates under their administrative control. The benefits that will accrue to the Government employees consequent on their conformation in service are thereby denied to them for no fault of theirs.

All Heads of Departments/Appointing Authorities are, therefore, requested to ensure that conformation is given to the approved probationers as and when substantive vacancies arise in the permanent cadre. Any laxity on their part in this regard will be viewed seriously.

P. SHANMUGHASUNDARM,

Commissioner and Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 57/92/P&ARD. Thiruvananthapuram, 5th December, 1992.

S. R. O. No. 194/93.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(a) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1992.

(b) They shall come into force at once.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, in rule 5, after Note “(2)”, the following Note shall be added, namely:—

“(3) Whenever a ratio or percentage is fixed for different methods of recruitment/appointment to a post the number of vacancies to be filled up by candidates from each method shall be decided by applying the fixed ratio or percentage to the cadre strength of the post to which the recruitment/transfer is made and not to the vacancies existing at that time”.

By order of the Governor,

P. SHANMUGHASUNDARAM,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

For various posts in the departments of Government, direct recruitment, recruitment by transfer and appointment by transfer are the methods of appointment. The vacancies are filled up on the basis of ratio or percentage fixed in the respective Special Rules. Government consider it necessary to clarify that the proportionate vacancies to be filled up by the different methods should be calculated on the basis of the cadre strength and not on the total number of vacancies. This notification is intended to achieve the above object.

* Published in Kerala Gazette No. 5 dated 2nd February, 1993.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 61/92/P&ARD. *Thiruvananthapuram, 16th December, 1992.*

S. R. O. No. 383/93.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1992.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, after rule 27 A, the following rule shall be inserted, namely:—

“27 B. In case of disputes regarding seniority and matters connected with it by reason of any order of Government or any order of an authority subordinate to Government, representations for reconsideration of such order shall be submitted to Government by the aggrieved person within a period of six months from the date of receipt of the order, or the date of publication of the order in the Kerala Gazette, whichever is later”.

By order of the Governor,

P. SHANMUGHASUNDARAM,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

At present there is no rule in Kerala State Subordinate Services Rules, 1958 prescribing a time limit for making representations to Government, by the aggrieved person against any order of Government or any order of an authority Subordinate to Government. It is considered necessary to prescribe a time limit.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 62/92/P&ARD.

Thiruvananthapuram, 16th December, 1992.

S. R. O. No. 692/93.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(a) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1992.

(b) They shall come into force at once.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, in rule 21, for the first and second sentences, the following sentences shall be substituted, namely:—

“In the case of any probationer falling under sub rule (b) of rule 19 or sub-rule (c) or rule 20, the appointing authority may extend his probation for a maximum period of one year to enable him to acquire special qualifications or pass the prescribed tests, as the case may be, or to enable the appointing authority to decide whether the probationer is suitable for full membership or not. Extension of probation beyond one year may, however, be ordered by Government if found necessary”.

By order of the Governor,

P. SHANMUGHASUNDARAM,
Commissioner and Secretary to Government.

*Published in the Kerala Gazette No. 15 dated 13th April, 1993.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per rule 21 of the General Rules the appointing authority can extend probation up to one year. There is no rule at present empowering the appointing authority or the Government to extend probation beyond one year. Government consider that the rules must be amended suitably to have a specific provision for the Government to order extension of probation in deserving cases. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 63/92/P&ARD. *Thiruvananthapuram, 16th December, 1992.*

S. R. O. No. 463/93.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958; namely:—

RULES

1. *Short title and commencement.*—(a) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1992.

(b) They shall be deemed to have come into force with effect from the 12th day of November, 1976.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, after sub-rule (h) of rule 18, the following sub-rule shall be added, namely:—

“(i) An interdepartmental transferee shall have to undergo probation in the new department in accordance with the Special Rules. In the case of interdepartmental transferee to the Services for which Special Rules have not been issued, the transferee shall not be allowed to count his Service in the Former Service or unit for the purposes of probation in the new department and in such cases the interdepartmental transferee shall be on probation for a total period of two years on duty in the new department within a continuous period of three years”

By order of the Governor,

P. SHANMUGHASUNDARAM,
Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per G. O. (Ms.) No. 391/76/PD. dated 12-11-1976 Government have ordered that an interdepartmental transferee shall have to undergo probation in the New Department. This notification is intended to give statutory validity to the above orders.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 64/92/P&ARD. *Thiruvananthapuram, 16th December, 1992.*

S. R. O. No. 384/93.—In exercise of the powers conferred by sub-section(1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1992.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, after rule 4, the following rule shall be inserted, namely:—

“4A. Every candidate who applies for admission to the Special/ Departmental tests conducted by the Public Service Commission or for certificate of pass/attendance or for mark list thereof shall be required to remit a fee as may be prescribed by the Commission with the prior approval of the Government, for each paper of these tests or for certificate of pass as the case may be and such fee shall be specified by the Commission in the notification inviting applications for admission to such tests”.

By order of the Governor,

P. SHANMUGHASUNDARAM,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

At present there is no provision in the Kerala State and Subordinate Services Rules, 1958 authorising the Kerala Public Service Commission to collect fees from candidates applying for Special/Departmental Tests, for certificates, mark lists and attendance certificates. Government consider it necessary to incorporate a provision in the General Rules, authorising the collection of the prescribed fee from the candidates applying for Special/Departmental Tests. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No.1053/Rules-1/92/P&ARD. Dated, Thiruvananthapuram, 26th May, 1992.

*Sub:—*Departmental Promotion Committee-- Convening of Departmental Promotion Committees-- Timely Action --Instructions issued.

The National Conference of State Public Service Commission held on 8-2-1991 has observed as follows:--

"Earnest efforts are necessary to frame recruitment rules in time. Departmental Promotion Committees have to be constituted for all Departments and it is the duty of the Departmental Promotion Committee to hold meeting to prepare Select List in time for ensuring promotions to the right and eligible persons. This is necessary to maintain the efficiency of service. This necessitates the maintenance of up-to-date impartial and clear Confidential Records. This is not maintained in various departments and the interest taken by them is not encouraging".

The procedure to be followed by the Departmental Promotion Committees for preparing the select lists has been enunciated in the amendment to rule 28 (b) (i) of the Kerala State and Subordinate Services Rules, 1958 issued in G. O. (P) 37/90/P&ARD, dated 14-9-1990. According to the above procedure, select lists should be prepared during a calendar year for the vacancies estimated to arise in the next calendar year. To ensure this, the Confidential Reports and seniority lists should be made up to date before 30th June every year. The Departmental Promotion Committees should be convened during September/October and the select lists published before 30th November and in any case not later than 31st December.

In spite of the above instructions, it is seen that the Departmental promotion Committees are not functioning properly. There are several Departments for which there has been no meeting of the Departmental Promotion Committees for years on end. There are also cases where Departmental Promotion Committees meet once in a blue moon only to ratify the provisional promotions after the retirement of the promotees, rendering the functioning of the Departmental Promotion Committees only perfunctory. Government, therefore, like to impress upon all Secretaries to Government and the Heads of Departments to see that advance action is taken to prepare the select lists so as to publish the select list within the stipulated time limit as envisaged in the rules and to enable the Departmental Promotion Committees to review the progress achieved by each Department in regularly, filling up vacancies on the recommendation of the Departmental Promotion Committees.

P. SIVANMUGHASUNDARAM,

Commissioner and Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 3/93/P&ARD. *Thiruvananthapuram, 15th January, 1993.*

S. R. O. No. 536/93.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:

RULES

1. *Short title and commencement.*—(a) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1993.

(b) They shall come into force at once.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, —

(i) in sub-rule (a) of rule 9, in the first proviso to clause (i), —

(a) after the words 'or for any other valid reason' the words "except due to suspension" shall be inserted;

* Published in the Kerala Gazette No. 12 dated 23rd March, 1993.

(b) after note (4), the following Note shall be inserted, namely:—

“(5) If a junior is appointed temporarily in preference to a senior under suspension, at the time of reinstatement of the senior to duty fully exonerating him of the charges for suspension the senior shall be given appointment to the vacancy in the higher post to which he would have been appointed but for the suspension, if necessary by reverting the Junior who got appointment in that vacancy”;

(ii) in sub-rule (a) of rule 31, in the proviso to clause (i),—

(a) after the words ‘or for any other valid reason’ the words “except due to suspension” shall be inserted;

(b) after Note (4) the following Note shall be inserted, namely:—

“If a junior is promoted temporarily in preference to a senior under suspension, at the time of reinstatement of the senior to duty fully exonerating him of the charges for suspension the senior shall be given promotion to the vacancy in the higher post to which he would have been promoted but for the suspension, if necessary by reverting the Junior who got promotion in that vacancy”.

By order of the Governor,

P. SHANMUGHASUNDARAM,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In the existing rules there is no specific provision on whether persons placed under suspension are to be excluded from temporary promotion under Rule 9 (a) (i) and 31 (a) (i) of the Kerala State and Subordinate Services Rules. Persons under suspension are prevented from attending duty and as such they cannot be promoted while under suspension. In order to give more clarity to the rules, Government consider that the rules under 9 (a) (i) and 31 (a) (i) of the Kerala State and Subordinate Services Rules should be amended. At the same time Government also consider that the employees get adequate protection. This notification is intended to achieve the above objectives.

GOVERNMENT OF KERALA
Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 4/93/P&ARD. *Thiruvananthapuram, 15th January, 1993.*

S. R. O. No. 537/93.—In exercise of the powers conferred by sub-section (i) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(a) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1993.

(b) They shall be deemed to have come into force on the 15th February, 1988 and shall apply to all cases in which the prescribed period of probation expired on or after the 15th February, 1988.

2. *Amendment of the Rules.*—In Part I of the Kerala State and Subordinate Services Rules, 1958 in clause (6) of rule 2,—

(a) in sub clause (f), the word “or” shall be added at the end;

(b) after sub -clause (f), the following sub clause shall be inserted, namely:—

“(g) in the case of a female member, when she is on maternity leave during her period of probation.”

By order of the Governor,

P. SHANMUGHASUNDARAM,

, *Commissioner and Secretary to Government.*

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per G. O. (P) No. 6/88/P&ARD dated 15-2-1988 read with G. O. (P) 43/88/P&ARD dated 17-8-1988 Government have ordered that maternity leave granted as per Rules 100 and 101 of Part I, Kerala Service Rules, will be treated as duty for the purpose of probation and that the benefit will be extended to all cases in which the prescribed period of probation expired on or after 15-2-1988. Government consider it necessary to make provision in the Kerala State and Subordinate Services Rules to count the period of maternity leave as duty for the purpose of probation.

∴ This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 5/93/P&ARD.

Thiruvananthapuram, 15th January, 1993.

S. R. O. No. 661/93.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services, Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(i) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1992

(ii) They shall be come into force at once.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, after rule 5, the following rule shall be inserted, namely:—

“5A. *Award of weightage marks in certain cases.*—Where the method of recruitment to any service, class or category is by direct recruitment on district-wise basis, such of the candidates belonging to that district who qualify for interview/become qualified to be included in the Ranked List for such of the district-wise posts mentioned in the Annexure to this rule shall be given a weightage of five marks for the selection:

Provided that the candidates who are eligible to get the above weightage marks shall produce along with the application a nativity certificate issued by a competent authority not below the rank of Tahsildar of the concerned taluk.

ANNEXURE

Technical Posts

1. Driver (Heavy Duty Vehicle) .. Various Departments.
2. Driver (Light Duty Vehicle) .. Various Departments.
3. Mechanic .. Fisheries Department.
4. Plumber .. Public Works Department.
5. Dark Room Assistant .. Public Relations Department.
6. Attender (Graining Plates) .. Survey and Land Records Department.
7. Attender (Plate Cleaning) .. Survey and Land Records Department.
8. Roller Cleaner .. Public Works Department.
9. Oil Engine Driver .. Agriculture Department.
10. Power Laundry Attender .. Technical Education Department.
11. Deckman .. Various Departments.
12. Boat Driver .. Various Departments.
13. Cinema Operator .. Public Relations Department.
14. Driver-cum-Operator .. Scheduled Caste Development Department/Scheduled Tribe Development Department.
15. Boat Syrang .. Various Departments.

Non-Technical Posts

1. Ayah .. Scheduled Caste Development/
Scheduled Tribe Development
Department.
2. Massur .. Ayurveda Colleges.
3. Attender .. Judicial Department.
4. Attender .. Survey and Land Records
Department.
5. Post in Last Grade Service .. Various Departments.
6. Last Grade Service .. National Cadet Corps Departments.
7. Last Grade Service .. Sainik Welfare Department.
8. Villageman .. Revenue Department.

9. Lascar	.. Printing Department.
10. Lascar	.. Agricultural Income Tax and Sales Tax Department.
11. Galley Pressman Grade II	.. Government Presses.
12. Fisherman	.. Fisheries Department.
13. Gallery Attendant	.. Sri Chitra Art Gallery.
14. Helper, Pre-Primary Schools	.. Education Department.
15. Excise Guards	.. Excise Department.
16. Forest Guards	.. Forest Department.
17. Projector Operator	.. Education Department.
18. Depot Watcher/Reserve Watcher	.. Forest Department.

By order of the Governor,

P. SHANMUGHASUNDARAM,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

At present, the District Offices of the Kerala Public Service Commission are making district-wise selection to certain specified posts. The Kerala Public Service Commission has reported to Government that the candidates belonging to backward district such as erstwhile Malabar area do not get appointment against vacancies to be filled up by district-wise selection in their native districts due to tough competition from candidates of other districts. To solve this problem to some extent, the Kerala Public Service Commission has suggested that weightage of five marks may be given to candidates of native district for district-wise selection for Last-Grade and Sub-Clerical posts. Government accept the suggestion of the Kerala Public Service Commission and propose to amend the Kerala State and Subordinate Services Rules, 1958, suitably for this purpose. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 10/93/P&ARD.

Thiruvananthapuram, 27th January, 1993.

S. R. O. No. 591/93.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1993.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala State and Subordinate Services Rules, 1958, in PART II, after the “*Explanation*” to sub-rule (aaaa) of rule 10, the following sub-rule shall be inserted, namely:—

“(ab) Where the Special Rules or Recruitment Rules for a post in any service prescribe qualification of experience, it shall, unless otherwise specified, be one gained by persons on temporary or regular appointment in capacities other than paid or unpaid apprentices, trainees and casual labourers in Central or State Government Service or in Public Sector Undertaking or Registered Private Sector Undertaking, after acquiring the basic qualification prescribed for the post:

Provided that the experience gained as factory workers on daily wages of a permanent nature may be accepted, if the service is continuous and not of a casual nature.

* Published in the Kerala Gazette No. 13 dated 30th March, 1993.

Explanation.— For the purpose of this sub-rule, 'Registered Private Sector Undertaking' means,—

- (i) Co-operative Societies registered under the Kerala Co-operative Societies Act, 1969, Societies registered under the Societies Registration Act, 1860 or the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 or companies registered under the Companies Act, 1956 or any Institution, firm or Company which has a legal entity under any law for the time being in force;
- (ii) Small Scale Industrial Units registered with the Industrial Development Commissioner; and
- (iii) Industrial Institutions wherein Government have investments".

By order of the Governor,

P. SHANMUGHASUNDARAM,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

According to the procedure followed by the Kerala Public Service Commission in respect of practical experience prescribed for any post, it shall be the one gained by candidates holding temporary or regular appointments in Government Service/Public Sector Undertakings, or Registered Private Sector Undertakings. Experience gained by candidates in the capacities of paid or unpaid apprentices, trainees and casual labourers is not considered as sufficient. Unless otherwise specified in the Special Rules or Executive Orders prescribing qualifications, experience gained only after acquiring the basic qualification alone is accepted as sufficient experience. Government consider it necessary to give statutory validity to the above procedure by amending Kerala State and Subordinate Services Rules, 1958. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G.O. (P) No. 44/93/P&ARD. *Thiruvananthapuram, 30th September, 1993.*

S. R. O. No. 625/94.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:-

RULES

1. *Short title and commencement.*—(a) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1993.

(b) They shall come into force at once.

2. *Insertion of a New Rule.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, after rule '17 B', the following shall be incorporated as Rule '17 C' namely:—

"17 C The candidate claiming the benefit of age relaxation/ reservation in appointments/special recruitments by virtue of being a member of the Backward Classes/Scheduled Castes/Scheduled Tribes as provided for in sub-rules (c) and (d) of rule 10, rule 14, rule 17 A and rule 17 B *ibid* shall produce to the satisfaction of the Kerala Public Service Commission, certificates/relevant documents as required by them, to prove the claim in the application and in any case, before the finalisation of the ranked list for the post concerned".

By order of the Governor,

K. UPPILIAPPAN,

Commissioner and Secretary to Government.

*Published in the Kerala Gazette No. 16 dated 19th April, 1994.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

An instance has arisen where the advice list of candidates for a post has to be revised by Kerala Public Service Commission altering the seniority positions of candidate who was included in the rank list without the benefit of community was subsequently allowed the benefit of the community following the direction in a Judgment of the High Court. The Kerala Public Service Commission therefore requested Government to amend the Kerala State and Subordinate Services Rules, 1958 to the effect that the request from candidates who were once given enough opportunity to prove their community by proper document but failed to prove the same at the appropriate time should not be entertained on any account for the purpose of the selection in question. Government consider that necessary statutory provision has to be made as requested by the Commission. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 7/94/P&ARD.

Thiruvananthapuram, 3rd February, 1994.

S. R. O. No. 459/94.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1994.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Rules, 1958, in clause (i) sub-rule (a) of rule 9, after the Fifth proviso the following proviso and the Note thereunder shall be inserted, namely:—

“Provided also that the provisionally appointed Wardens in the Hostels for Scheduled Caste/Scheduled Tribe students shall be allowed to continue in service till the closing date of the institutions for annual vacation or till a candidate advised by the Public Service Commission joins duty, whichever is earlier.

Note: Provisional appointment in the post of Warden shall be made only after reporting the vacancies to the Public Service Commission and getting the report from the Public Service Commission that there is no list of candidates readily available for recruitment".

By order of the Governor,

K. UPPILIAPPAN,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

According to the existing rules, provisional employees, with certain exception, can be allowed to continue in service only up to 180 days or till a candidate advised by the Public Service Commission joins duty whichever is earlier. It has been reported to Government that frequent change of Wardens in the Hostels for the Scheduled Caste/Scheduled Tribe students, appointed provisionally, causes difficulties in management and smooth functioning of the hostels especially when candidates advised by the Public Service Commission are not readily available for being appointed as Wardens. To avoid these difficulties it is considered necessary to amend the General Rules suitably.

The notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G.O. (P) No. 8/94/P&ARD.

Thiruvananthapuram, 3rd February, 1994.

S. R. O. No. 510/94.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

*Published in the Kerala Gazette No. 13 dated 29th March, 1994.

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1994.

(b) They shall come into force at once.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, for sub-rule (a) of rule 10, the following shall be substituted, namely:—

“(a) (i) The educational or other qualifications, if any, required for a post shall be as specified in the Special Rules applicable to the service in which that post is included or as specified in the executive orders of Government in cases where Special Rules have not been issued for the post/service.

(ii) Notwithstanding anything contained in these rules or in the Special Rules, the qualifications recognised by executive orders or standing orders of Government as equivalent to a qualification specified for a post in the Special Rules and such of those higher qualifications which pre-suppose the acquisition of the lower qualification prescribed for the post shall also be sufficient for the post”.

By order of the Governor,

K. UPPULAPPAN,
Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Special Rules for various services prescribed the qualifications required for appointment to the different posts included in these services. In some cases it is specified in the Special Rules that the qualifications declared as equivalent by Government to the qualifications prescribed in the Special Rules shall be sufficient, for the purpose. But in some other cases several identical qualifications are listed to the Special Rules with specifying that the qualifications equivalent to them shall be efficient and there may be no provision even to accept higher qualifications in the place of prescribed ones. In the latter case, when a new qualification/degree is instituted in a University, the

person acquiring it will be accepted as qualified as per the Special Rules only after the said qualification/degree is listed in the Special Rules. This process takes a long time and the candidates concerned have to suffer on this account. In order to overcome this difficulty Government consider it necessary to make suitable amendment to the General Rules. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 19/95/P&ARD. Dated, Thiruvananthapuram, 21st October, 1995.

S. R. O. No. 1292/95.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, as subsequently amended, namely: —

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1995.

(2) They shall come into force at once.

2. *Amendment to Rule 27.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, in sub-rule (a) of rule 27 in the note under the second proviso for the names of the Districts the following shall be substituted, namely:—

- (1) Alappuzha
- (2) Ernakulam
- (3) Idukki
- (4) Kannur
- (5) Kasaragode
- (6) Kollam
- (7) Kottayam

- (8) Kozhikode
- (9) Malappuram
- (10) Palakkad
- (11) Pathanamthitta
- (12) Thiruvananthapuram
- (13) Thrissur
- (14) Wayanad

By order of the Governor,

V. VIJAYACHANDRAN,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

According to the note under the second proviso to sub-rule (a) of rule 27 in part II of the Kerala State and Subordinate Services Rules, 1958, incorporated as per notification No. 38/90/P&ARD dated 14-9-1990 if the date of birth of two or more persons happen to be the same, their seniority shall be fixed on the basis of the alphabetical order of their names and if the date of birth and the names of two or more persons happen to be the same their seniority shall be fixed on the basis of the alphabetical order of the Districts as specified therein. As per the notification G. O. (P) 133/90/RD dated 7-2-1990 as amended by notification G. O. (P) 460/90/RD dated 29-6-1990 the names of the Districts in the State had been changed into its vernacular form. The above changes were not taken into account while issuing the notification dated 14-9-1990. It is considered necessary to amend the rules in the order of Districts as re-named so as to avoid misinterpretation. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 20/95/P&ARD. Dated, Thiruvananthapuram, 21st October, 1995.

S. R. O. No. 1261/95.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely: -

*Published in the Kerala Gazette Extraordinary No. 1075 dated 30th October, 1995.

RULES

1. *Short title and commencement.*—(i) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1995.

(ii) Clause (v) under rule 2 of these rules shall be deemed to have come into force with effect from the 6th September, 1985 and clause (vi) shall be deemed to have come into force with effect from the 28th September, 1985.

2. *Amendment of Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, in sub-rule (e) of rule 9 after clause (iv), the following clauses shall be added, namely:—

“(v) is a member of the Scheduled Caste or Scheduled Tribe and was in service as on 2nd August, 1984.

(vi) is physically handicapped and has to his/her credit one year of total service (including broken periods) as on 5th January, 1984, from 1st January, 1968 (excluding 1981) in one or more categories of posts in the same or different departments”.

By Order of the Governor,

V. VIJAYACHANDRAN,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In G. O. (P) No. 372/85/GAD, dated 6-9-1985 the Government have issued orders for the regularisation of the services of the provisionally appointed Scheduled Caste and Scheduled Tribe employees who were in service as on 2-8-1984.

Also in G. O. (P) No. 421/85/GAD dated 28-9-1985, the Government ordered that the physically handicapped employees appointed provisionally and who had to their credit one year of total service (including broken periods) as on 5-1-1984 from 1-1-1968, (excluding 1981) would be regularised subject to the conditions specified therein.

In order to give statutory validity to the above orders Government propose to amend the Kerala State and Subordinate Services Rules suitably. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 28/95/P&ARD. *Dated, Thiruvananthapuram, 16th November, 1995.*

S. R. O. No. 1360/95.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1995.

(2) They shall be deemed to have come into force with effect from the 28th day of January, 1988.

2. *Amendment of Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, in clause (i) of sub-rule (a) of rule 9, after the fifth proviso the following proviso shall be inserted, namely:—

“Provided also that Medical Officers and Para Medical Staff in the Insurance Medical Services Department appointed under this clause shall be allowed to continue for a period not exceeding one year or till a candidate advised by the Public Service Commission joins duty, whichever earlier”.

By order of the Governor.

V. VUJAYACHANDRAN,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Government in consultation with the Kerala Public Service Commission, have issued orders in G. O. (Ms.) No. 17/88/LBR, dated 28-1-1988 allowing provisional Medical Officers and Para Medical Staff in the Insurance Medical Services Department to continue in service upto a maximum period of one year. Suitable amendments to General Rules 9 (a) (i) is necessary to give statutory validity to the above orders. This notification is to achieve the above object.

*Published in the Kerala Gazette Extraordinary No. 1171 dated 21st November, 1995.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 9481/Rules-1/95-2/P&ARD. Dated, Thiruvananthapuram, 3rd July, 1995.

Sub: Public Services - Departmental Promotion Committee - Convening of Departmental Promotion Committees Instructions issued.

Ref: Circular No. 1053/Rules-1/92/P&ARD Dated 21-5-1992.

The procedure to be followed for convening the Departmental Promotion Committees has been enunciated in the amendment to rule 28 (b) (i) of the Kerala State and Subordinate Service Rules, 1958 issued in G. O. (P) 37/90/P&ARD, dated 14-9-1990.

According to the above procedure, select lists should be prepared during a calendar year for the vacancies estimated to arise in the next calendar year. To ensure this, the Confidential Reports and seniority lists should be made up-to-date before 30th June every year. The Departmental Promotion Committees should be convened during September/October and the select lists published before 30th November and in any case not later than 31st December.

The above instructions have been reiterated in the circular cited. It has come to the notice of the Government that the Departmental Promotion Committees are not convened in time or not functioning properly. There are instances where there has been no meeting of the Departmental Promotion Committees for the last several years. In several departments Departmental Promotion Committees are convened to ratify the provisional promotions already made, defeating the very purpose of the Departmental promotion Committees. To maintain the efficiency of service, ensuring promotions to the right and eligible persons is essential. This can be achieved only by convening the Departmental promotion Committees regularly and by updating the records to be submitted to such committees regularly and continuously.

All the departments of the Secretariat and the Heads of Departments are, therefore, directed to take immediate steps to convene the Departmental Promotion Committees keeping the time schedule prescribed in the rules. Action taken in this regard should be reported by way of special report to Personnel and Administrative Reforms Department, so as to report back to the Government the status in each Department. Since the position will be reviewed regularly for every Department at the highest level in the Government all concerned are requested to acknowledge receipt of this circular and action taken in the matter immediately.

K. UPPILJAPPAN,

Commissioner and Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No.11878/Rules-1/96/P&ARD. *Dated, Thiruvananthapuram, 6th August, 1996.*

*Sub:--*Proposals for appointment to the posts of Heads of Departments –
Necessity of Confidential Reports – Instructions Issued.

According to General Rule 28A of the Kerala State and Subordinate Service Rules, 1958, appointment by promotion or by transfer to the posts of Heads of Departments shall be made on the basis of merit and ability, seniority being considered only when merit and ability are approximately equal. Merit and ability of an officer are assessed based on the Confidential Reports on the Officer. But, of late it is often seen that Confidential Reports are seldom made available by the Administrative Departments of the Secretariat while submitting proposals for appointment to the posts of Heads of Departments.

All departments of the Secretariat are, therefore, requested to ensure that in future along with every proposal to make appointment to the post of Head of a Department, the up-to-date Confidential Reports of the Officer proposed to be appointed are invariably submitted to the Minister concerned and the Chief Minister, before the case is placed before the Council of Ministers.

P. SHANMUGASUNDARAM,

Principal Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No.19305/Rules-1/96/P&ARD. *Dated, Thiruvananthapuram, 10th December, 1996*

Sub:-- Public Services--Departmental Promotion Committee -- Convening of Instructions Issued.

- Ref:--*
1. Circular No. 1053/Rules-1/92/P&ARD dated 21-5-1992.
 2. Circular No. 9481/Rules-1/95-2/P&ARD dated 3-7-1995.
 3. D. O. Letter No. SSI (2) 95/96/III dated 8-11-1996 from the Secretary, Kerala Public Service Commission.

In the circulars cited Government issued instructions to all Heads of Departments and Secretariat Departments to follow the procedure for convening the Departmental Promotion Committee enunciated in the Amendment to rule 28 (b) (i) of the Kerala State and Subordinate Service Rules, 1958 issued in G. O. (P) 37/90/P&ARD dated 14-9-1990.

According to the above procedure, select lists should be prepared during a calendar year for the vacancies estimated to arise in the next calendar year. To ensure this, the Confidential Reports and Seniority Lists should be made upto date before 30th June every year. The Departmental Promotion Committees should be convened during September/October and the select lists published before 30th November and in any case not later than 31st December.

The Secretary, Kerala Public Service Commission in this letter 3rd cited informed Government that Departmental Promotion Committee is not convened in majority of the Departments for the last ten years or more. Though there is statutory provision fixing the programme of Departmental Promotion Committee it is seen violated by almost all the Departments and the convenors do not appear concerned in initiating timely action in this regard. In many Departments Departmental Promotion Committees are convened to ratify the provisional promotions already made for several years, defeating the very purpose of the Departmental Promotion Committee. In order to maintain the efficiency of service, ensuring promotions to the right and eligible persons is very essential. This objective can be achieved only by convening the departmental Promotion Committees regularly for preparing select lists for promotions.

All the Departments of the Secretariat and the Heads of Departments are therefore, directed to take immediate steps to convene the Departmental Promotion Committees keeping the time schedule prescribed in the rules. Any lapse in the matter will be viewed very seriously.

P. SHANMUGA SUNDAR, 4,

Principal Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 19305/Rules-1/96/P&ARD. Dated, Thiruvananthapuram, 9th September, 1997.

Sub:- Public Services Departmental Promotion Committee – Banning of temporary promotions under Rule 31 (a) (i) of Kerala State and Subordinate Service Rules – Instructions issued.

It has been noticed that non-convening of Departmental Promotion Committee and non-publishing of select lists for promotion have resulted in denying promotion to eligible persons in time which in turn has resulted in accumulation of service/seniority cases in courts. It is also noticed that no sincere efforts are made by most of the Departments in this matter. The practice of giving temporary promotion based on seniority alone is being followed by almost all Departments misusing the provision in Rule 31 (a) (i) of Kerala State and Subordinate Service Rules and such promotions lead to seniority disputes and litigations. Further, these temporary promotions are regularised sometimes only after many years. This defeats the very purpose of the Departmental Promotion Committee.

2. In order to avoid such lapses the following instructions are issued and their *strict compliance will be the personal responsibility* of the concerned on Secretary to Government/Head of Department.

- (i) Temporary promotions under Rule 31 (a) (i) of Kerala State and Subordinate Service Rules will not be ordered in any Department on or after 1-1-1998. If temporary promotion to any particular category is to be ordered, the Department should clearly establish the public interest to be served and the emergent situation existing, to the satisfaction of the Chief Minister, Emergency cannot also be an indefinite excuse. Within six months from 1-1-1998 such temporary promotions shall be stopped *totally*.
- (ii) The procedure given in item (i) will also apply to promotions to the posts for which Heads of Departments are the appointing authorities. The Heads of Departments will not order promotions under Rule 31 (a) (i) without prior sanction from Government. Such promotions shall also be stopped within six months from 1-1-1998.

- (iii) Before 1-1-1998 all Departments will ensure that the promotions till then ordered are regularised and the select lists for 1998 prepared. The only exception will be cases of specific stay orders by the courts, which could not be got vacated inspite of earnest efforts.
 - (iv) There seems to be a tendency to stop all steps necessary to prepare select lists if any issue (sometimes even unconnected) is pending before a Court. Pendency of a case should not be a bar to prepare select lists unless there is a specific stay order. Even if there is a stay order, prompt action should be taken to get the stay vacated, assuring the Court that any decision taken during the pendency of the case will be subject to the final outcome of the case and the directions of the Court thereon; and action should be taken to publish the select list.
3. The receipt of this circular should be acknowledged *by return*.

C. P. NAIR,

Chief Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 19305/Rules-1/96/P&ARD. Dated, Thiruvananthapuram, 15th December, 1997.

Subj: Public Services --Departmental Promotion Committees-- Holding of --
Instructions issued.

1. Based on the recommendations of the Administrative Reforms Committee 958 Government have laid down the principles for the constitution and functioning of Departmental Promotion Committees. Appointments to all selection posts have to be made on the basis of the select list prepared by the Departmental Promotion Committees. The committee will have to meet periodically as per the schedule fixed and also hold *ad hoc* meetings for the purpose of preparing select lists for making appointments to all selection posts except Heads of Departments.

2. A review of the holding of Departmental Promotion Committees by various Departments has revealed that regular meetings have not been held in most of the Departments for quite a long time. There are even Departments which have never held any meeting of the committee. These Departments have been making appointments to selection posts under the emergency provisions of General Rule 9 (a) (i) or 31 (a) (i), which are to be resorted to for making temporary appointments in urgent situations. This has resulted in a situation where persons who have no merit and ability are getting promoted to all selection posts in the line of promotion purely on the basis of seniority. The requirement of undergoing probation in each category is also not applicable in such cases. Apart from a general deterioration in the level of efficiency, this system has also led to protracted litigation in courts.

3. With a view to streamlining the appointments to selection posts in all Departments and avoiding the practice of temporary/provisional promotions resorted to by Departments indefinitely, Government have imposed a ban on making temporary appointments/promotions from 1-1-1998 onwards vide Circular No. 19305/Rules-1/97/P&ARD dated 9-9-1997. All Heads of Departments have also been directed therein to ensure before 1-1-1998 that all temporary promotions are regularised and select list for 1998 are prepared by convening Departmental Promotion Committees.

4. During the recent review on holding of Departmental Promotion Committees it has come to the notice of Government that many of the Departments are not able to hold the meetings of the Committee in view of their inability to meet the requirements for the purpose. The essential requirements for the Departmental Promotion Committee meeting are:

- (i) there should be Special Rules or, in their absence, executive orders in respect of the posts in question;
- (ii) there should be an approved gradation list of the persons in the feeder category;
- (iii) satisfactory completion of probation of all eligible officers in the feeder category; and
- (iv) Confidential Reports of all eligible officers in the feeder category for the period as prescribed in the General Rules.

5. In this connection, the attention of the Heads of Departments is also invited to the following books (available in the Government Press for sale) which contain the rules and orders relating to holding of Departmental Promotion Committees and allied matters:

- (1) "Principles and Procedure for Marking Promotions".
- (2) "Instructions for Preparation and Maintenance of Confidential Reports on Government Servants from 22-8-1966".

6. The Heads of Departments are once again directed to take immediate action for holding Departmental Promotion Committees to regularise temporary appointments made so far and to prepare select lists for 1998 in view of the total ban on temporary promotions imposed from 1-1-1998 onwards. It is their personal responsibility to see that Government Servants are not denied of legitimate claims for promotion on account of the laxity on their part in convening Departmental Promotion Committees and preparing select lists. Every effort shall, therefore be made by the Heads of Departments to ensure that Departmental Promotion Committee meetings are held at the earliest, so that all appointments/promotions after 1-1-1998 can be made on a regular basis.

C. P. NAIR,

Chief Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No.19305/Rules-1/96 P&ARD. *Dated, Thiruvananthapuram, 12th June, 1998.*

Sub: - Public Services—Departmental Promotion Committee—Banning of temporary promotion under General Rule 31 (a) (i) of Kerala State and Subordinate Services Rules—Further Instructions—Issued.

- Ref:* -1. Govt. Circular of even No. dated, 9-9-1997.
 2. Govt. Circular of even No. dated, 15-12-1997.
 3. Govt. Circular of even No. dated, 6-2-1998.
 4. Govt. Circular of even No. dated, 25-5-1998.

In the Circular 1st cited Government had imposed a ban on temporary promotion under General Rule 31 (a) (i) of the Kerala State and Subordinate Services Rules from 1-1-1998. As it was brought to the notice of Government that several Departments had not completed the process of preparation of select lists as directed in the Government Circular 2nd cited and as a result employees in these Departments were being deprived of their promotions, Government lifted the ban imposed on provisional promotion up to 31-3-1998 as per the Circular 3rd cited. But preparation of select lists has not yet been completed.

In view of the practical difficulties pointed out by various Heads Departments at the time of review meeting, time is given to all Departments up to 30-9-1998 to prepare select lists. This will be the last and final extension.

During this period, temporary promotions may also be given in public interest in unavoidable circumstances.

DHARAM VEJR,

Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR MEMORANDUM

No. 19305/Rules-1/96/P&ARD. Dated, Thiruvananthapuram, 16th June, 1998

Sub:— Confidential Reports - Non-maintenance of Confidential Reports by certain Departments for a long time—Holding of Departmental Promotion Committee meetings to regularise previous provisions Promotions -Instructions issued.

- Ref:—*
1. G. O. (P) No. 344/PUBLIC dated 22-8-1966 issued by Public (Rules) Department.
 2. Circular Memorandum No. 69265/M1/76/PD. dated 8-7-1976.
 3. G. O. (P) No. 319/87/GAD dated 22-4-1987.
 4. Government Circular of even No. dated 9-9-1997.
 5. Government Circular of even No. dated 12-6-1998.

In the Circular fourth cited, Government had imposed a ban on temporary promotion under General Rule 31 (a) (i) of the Kerala State and Subordinate Services Rules from 1-1-1998. All Departments had also been directed to ensure before 1-1-1998 that all temporary promotions till then ordered were regularised and select list for 1998 prepared by holding Departmental Promotion Committee meetings.

2. The work relating to meetings of the Departmental Promotion Committees for the various Departments was reviewed in the first week of June 1998. The review revealed that several Departments had not completed the process of preparation of select lists. Hence, in the Circular fifth cited, Government lifted the ban on temporary promotion for the period up to 30-9-1998.

3. There are many departments where Departmental Promotion Committee meetings had not been held for several years; in some cases, as long as fifteen to twenty years. There has been considerable difficulty in getting confidential reports written after the lapse of so many years as most of the Reporting Officers had retired. In cases where Reporting/Reviewing Officers have demitted office without writing/reviewing the confidential reports of subordinate officers during the relevant period, the following procedure has to be followed as provided in the Government Order third cited:

- (i) In cases where the Reporting Officer has not prepared the confidential reports during the relevant period and has demitted office, the Reviewing Officer or the Accepting Authority who remains in office may write the confidential reports of the officers concerned.
- (ii) In cases where the reviewing officer has not reviewed the confidential reports written by the Reporting Officers and has demitted office, the next Higher Officer/Accepting Authority, who has the opportunity to assess the work and conduct of the reportee may review the Confidential Reports.

4. There are several Departments where the above procedure cannot be adopted as none of the Reporting/Reviewing/Accepting Authorities being still in service. In order to get over this problem, the following instructions are issued:

- (i) In cases where it is not feasible to get Confidential Reports written for past periods as none of the Reporting/Reviewing/Accepting Authorities are in service the Head of Department may certify that the performance of the officer during the relevant period had not come to adverse notice.

- (ii) This Circular Memorandum is issued with the sole intention of enabling those Departments where convening of Departmental Promotion Committee meetings is held up for want of confidential reports for a long period, to regularise all previous temporary promotions after holding Departmental Promotion Committee meetings. It is not to be relied upon in future by erring Departments.
- (iii) The backlog relating to regularisation of temporary promotions shall be cleared by all Departments before 30-9-1998 at the latest. The officers concerned should also ensure that confidential reports are maintained up-to-date and Departmental Promotion Committee meetings are held on a regular basis in the future in accordance with the existing instructions.

5. Secretaries to Government and Heads of Departments are once again informed that the work relating to the preparation of the Select lists should be completed on or before 30-9-1998, as enjoined in the circular fifth cited and that, on no account, further extension would be allowed. If there is any laxity in this regard, Government would be constrained to take disciplinary action against the concerned Secretary and Head of Department. The Chief Secretary will be holding meetings in the meanwhile, with the Secretaries and Heads of Departments to review the progress of work.

M. MOHANKUMAR,
Chief Secretary.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 5/97/P&ARD. Dated, Thiruvananthapuram, 22nd February, 1991.

S. R. O. No. 136/97.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :—

*Published in the Kerala Gazette Extraordinary No. 240, dated 1st March, 1997.

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1997.

(2) They shall be deemed to have come into force with effect from the 26th day of September, 1980.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, in sub-rule (a) of rule 27, after the fourth proviso, the following Note shall be inserted, namely:—

“*Note* :— The above proviso shall not apply to inter-unit or inter departmental transfers”.

By order of the Governor,

RAM SINGH,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per the first proviso to General Rule 27 (a) of the Kerala State and Subordinate Services Rules the seniority of persons on inter-unit/inter-departmental transfers, on request from such persons, shall be determined with reference to their joining duty in the new unit/department. But according to the fourth proviso to the above rule the seniority of a person who is appointed to a vacancy in the Headquarters, without obtaining his willingness, on advice by the district office of the Kerala Public Service Commission, and who is subsequently transferred to the district of his choice without insisting on the time limit of five years, shall be determined with reference to the date of his original advice by the Commission. It is considered necessary to specify that the benefit of the fourth proviso to sub-rule (a) of General Rule 27 shall be allowed only in the case of transfer from Headquarters to the district of choice within the same unit/department. The benefit of the rule shall not be allowed in case of transfer from Headquarters to a vacancy in the district of choice in another unit/department.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 34/97/P&ARD. Dated, Thiruvananthapuram, 29th December, 1997.

S. R. O. No. 52/98.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1997.

(2) They shall come into force at once.

2. *Amendment of the rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, in clause (i) of sub-rule (a) of rule 9, for the existing fifth proviso, the following proviso shall be substituted, namely: —

“Provided also that Assistant Surgeons in the Health Services Department, Lecturers in the Medical Education Department, Medical Officers in the Departments of Indian Systems of Medicine and Homocopathy, Government Ayurveda Colleges, Government Homocopathic Medical Colleges and Employees State Insurance, Para-Medical Staff of the above Departments and Institutions and the Basic Health Workers/Health Assistants of Health Service Department appointed under this clause by direct recruitment shall be allowed to continue for a period not exceeding one year or till a candidate advised by the Public Service Commission joins duty, whichever is earlier”.

By order of the Governor,

DHARAM VEER,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per the fifth proviso to General Rule 9 (a) (i) in the Kerala State and Subordinate Services Rules, 1958, Provisional Assistant Surgeons in the Health Services Department, Provisional Medical Officers in the Departments of Indian Systems of Medicine and Homoeopathy and Provisional Para-Medical Staff of the above three departments will be allowed to continue in service for a maximum period of twelve months considering the special and essential nature of hospital service. Government now propose to extend the benefit of the above provision to the provisional Medical Officers, Lecturers and Provisional Para-Medical Staff of the Departments of Medical Education, Government Ayurveda Colleges, Government Homoeopathic Medical Colleges, Employees State Insurance, Indian System of Medicine and Homoeopathy.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 2/98/P&ARD. Dated, Thiruvananthapuram, 13th January, 1998.

S. R. O. No. 65/98.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1998.

(2) They shall come into force at once.

2. *Amendment to the rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, in the “Explanation” to the fourth proviso in clause (i) of sub-rule (a) of rules 9,—

*Published in the Kerala Gazette Extraordinary No.142, dated 23rd January, 1998.

(1) For item No. 60 in column (1), the following shall be substituted, namely:—

“60. Related Instruction Centre, Palakkad”.

(2) after item 60 in column (1) and the entries against it in column (2), the following shall be added, namely:—

“61. Industrial Training Institute for Women, Chengannur.	Director of Training, Thiruvananthapuram.
62. Industrial Training Institute for Women, Kalamassery.	do.
63. Industrial Training Institute for Women, Chalakkudy.	do.
64. Industrial Training Institute for Women, Malampuzha.	do.
65. Industrial Training Institute for Women, Kannur.	do.
66. Industrial Training Institute, Aryanad.	do.”

By order of the Governor,
DHARAM VEER,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In the list of institutions specified below the “Explanation” to the fourth proviso to General Rules 9(a) (i), the name of “Related Instruction Centre, Palakkad” was wrongly mentioned as “Industrial Training Institute, Palakkad”. Government now propose to rectify this mistake and also to add to the list a few more institutions which were not included in the list so far, by amending General Rule 9, suitably. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 3/98/P&ARD. Dated, Thiruvananthapuram, 20th January, 1998.

S. R. O. No. 79/98.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely: -

RULES

1. *Short title and commencement.*—(a) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1998.

(b) They shall be deemed to have come into force with effect from 10th December, 1984.

2. *Amendment of the Rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, after Explanation (4) under sub-rule (bbb) of rule 28, the following explanation shall be inserted, namely:—

“(5) The expression ‘any examination or test’ occurring in this sub-rule shall mean any examination or test conducted by the Kerala Public Service Commission, Government or Department which has a direct nexus with the service matters like probation, promotion, increment etc., of an employee, and not an academic examination/University examination.

Note:—Cases already settled or disposed of prior to the issue of this amendment shall not be reopened.

By order of the Governor,

DIHARAM VEER,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The intention of Government while incorporating sub-rule 28 (bbb) in the Kerala State and Subordinate Services Rules, 1958 was to confine the benefit of this rule to the employees who come out successful in the Departmental tests conducted by the Kerala Public Service Commission which has a direct nexus to the service matters of an employee and not to those who pass an academic/University examination. To give more clarity and with a view to avoid misinterpretation of the above rules, this amendment has become necessary. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 7/98/P&ARD. Dated, Thiruvananthapuram, 6th February, 1998.

S. R. O. No. 200/98. In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958. namely :-

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1998.

(2) They shall come into force at once.

2. *Amendment of the rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, for clause (ii) of sub-rule (a) of rule 10, the following clause shall be substituted, namely:—

*Published in the Kerala Gazette Extraordinary No.359, dated 26th February, 1998.

“(ii) Notwithstanding anything contained in these rules or in the Special Rules, the qualifications recognised by executive orders or standing orders of Government as equivalent to a qualification specified for a post, in the Special Rules or found acceptable by the Commission as per rule 13 (b) (i) of the said rules in cases where acceptance of equivalent qualifications is provided for in the rules and such of those qualifications which pre-suppose the acquisition of the lower qualification prescribed for the post, shall also be sufficient for the post”.

By order of the Governor,

DIARAM VEER,

Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

In G. O. (P) No. 8/94/P&ARD, dated 3rd February, 1994 Government have issued orders amending sub-rule (a) of Rule 10 of the Kerala State and Subordinate Service Rules, 1958 so as to enable the acceptance of a qualification declared as equivalent to a qualification specified in the Special Rules for the post and such of those higher qualifications which pre-suppose the acquisition of the lower qualifications prescribed for the post as sufficient to the post. This amendment restricts the powers of the Public Service Commission under Rule 13 (b) (i) of the Kerala State and Subordinate Services Rules, 1958 which enables the commission to accept a qualification as equivalent to that prescribed by the Special Rules in respect of a post to which an appointment has to be made in consultations with the commission. In order to overcome this, Government consider it necessary to make suitable amendment to the General Rules.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Advice-C) Department

NOTIFICATION *

G O. (P) No. 13/98/P&ARD. Dated, Thiruvananthapuram, 16th March, 1998

S. R. O. No. 390/98.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1998.

(2) They shall come into force at once.

2. *Amendment of the rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958, in sub-rule (aaaa) of rule 10, for the words “six years” wherever they occur, the words “ten years” shall be substituted.

By order of the Governor,

DIARAM VEER,
Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

As per sub-rule (aaaa) of rule 10 in Kerala State and Subordinate Services Rules, 1958, it has been made obligatory for the candidates, who take the recruitment test in a language other than Malayalam to pass a language test in Malayalam within a maximum period of six years from the date of appointment.

*Published in the Kerala Gazette Extraordinary No.699, dated 8th May, 1998.

It has also been specified therein that if any candidate fails to pass the test within the period of six years from the date of appointment he shall be discharged from service.

It has been now brought to the notice of Government that Officers belonging to the linguistic minorities who have put in more than six years of service are threatened to be sent out on the ground that they have not passed the Malayalam Language test. Now Government have decided to enhance the time limit from the existing 6 years to 10 years in order to safeguard their interests.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

ABSTRACT

PUBLIC SERVICES—PROBATION—EXEMPTION FROM DECLARATION OF SATISFACTORY
COMPLETION OF PROBATION FOR THE REGULARISATION OF TEMPORARY
PROMOTIONS—ORDERS ISSUED

PERSONNEL AND ADMINISTRATIVE REFORMS (RULES) DEPARTMENT

G. O. (P) No. 24/98/P&ARD. Dated, Thiruvananthapuram, 24th July, 1998.

ORDER

Rule 28 (a) (ii) of Part-II, Kerala State and Subordinate Services Rules, 1958 prescribes that where the Special Rules for a service provide for appointment by promotion to any class or category from a specified class or category of such service, no member shall be eligible for such appointment unless he is a full member or an approved probationer in the class or category so specified. Since the practice of provisional promotion has been going on for a long time, declaration of satisfactory completion of probation in successive feeder categories has been taking a long time. For the declaration of probation, details like Earned Leave taken etc. from the Accountant General and the Confidential Reports of the incumbents are necessary. Collection of these items causes delay. It is seen that the delay in declaration of satisfactory completion of probation is hampering the progress of regularisation of the provisional promotions. Officers have been enjoying the benefit of provisional promotions for long years now,

and Government feel that if their Confidential Reports in successive higher posts are good enough for their inclusion in the select list, it may not be necessary to wait for the declaration of probation in the lower post for inclusion in the select list of the higher post, provided probation has been declared in the entry post and this will go a long way in speeding up the process of regularisation of the temporary promotion already made.

In the above circumstances Government in relaxation of Rule 28(a) (ii) of Part II of the Kerala State and Subordinate Service Rules, 1958 order that the requirement of declaration of satisfactory completion of probation will be waived except in the entry cadre of selection posts for the limited purpose of regularisation of the temporary promotion made till the date of this order.

By order of the Governor,

DIHARAM VEER,
Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 37/98/P&ARD.

Dated, Thiruvananthapuram, 15th December, 1998

S. R. O. No. 1103/98.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Service Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1968 namely :—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1998.

(2) They shall come into force at once.

2. *Amendment of the rules.*—In Part I of the Kerala State and Subordinate Services Rules, 1958, in the schedule, in list III "Other Backward Classes in the Kerala State",—

*Published in the Kerala Gazette Extraordinary, No. 2083, dated 22nd December, 1998

(1) for items 16 "Ezhavas and Thiyyas", the following shall be substituted, namely:

"16 Ezhavas and Thiyyas: (1) Izhavan (ഇഴവൻ), Ishavan (ഇഴവൻ), Ezhavan (ഇഴവൻ). (2) Ezhuva (ഇഴുവ), Izhuva (ഇഴുവ), Ishuva (ഇഴുവ). (3) Izhuvan (ഇഴുവൻ), Ishuvau (ഇഴുവൻ), Ezhuvan (ഇഴുവൻ). (4) Izhava (ഇഴവ), Izhavan (ഇഴവൻ), Ishavan (ഇഴവൻ). (5) Illuva (ഇലുവ). (6) Illuvan (ഇലുവൻ). (7) Irava (ഇരവ) and (8) Iruva (ഇരുവ).

(2) Item "24 Izhuvan (Illuvan or Ezhuvan)" shall be omitted.

By order of the Governor,

DIHARAM VEER,

Secretary to Government.

Explanatory Note

(This note is not a part of the Notification, but is intended to indicate its general purport.)

The Ezhava Community of Kerala has been classified as Other Backward Class for reservation in jobs in Public Services and has local popular names and equivalent names in different parts of the State. In the Other Backward Classes list for reservation in Public Services, Billava, Ezhavas and Thiyyas and Izhuvan (Illuvan, Ezhuvan) are included separately. For the purpose of reservation in appointment the Backward Class in the State Other Backward Class list are grouped into eight and each group entitled to separate quota for reservation. Ezhavas, Billavas and Thiyyas are grouped together and is allowed 11% and 14% respectively in the Last Grade Services and in other posts. But Izhuvan (Illuvu or Ezhuvan) a popular name of Ezhuvas in Palakkad District is separated from this group, and included as a separate caste and allowed 6% and 3% respectively in the Last Grade Services and in other posts. Several persons including Legislators have represented to Government that Ezhava, Ezhavas, Illuvan etc. are only a local usage of the caste name of Ezhava and they may be allowed the reservation benefit of Ezhava. Government have examined the matter and decided to issue clarification that Ezhava Community of Kerala has the above mentioned synonyms and equivalent names or local popular names.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 1612/Rules-1/99/P&ARD.

Dated, Thiruvananthapuram, 11th October, 1999.

Sub:—Public Services—Ban on temporary promotions under Rule 31 (a) (i) of Kerala State and Subordinate Services Rules-- Relaxation— Further instructions issued.

Ref:—1. Circular No. 19305/Rules-1/96/P&ARD dated 12-6-1998.

2. Circular No. 4831/Rules-1/99/P&ARD dated 1-10-1999.

It is the duty of the Heads of Departments/Appointing Authorities to ensure that the method of appointment, qualifications etc. for a post are specified when it is created. Absence of Special Rules/Executive Orders hinders regular promotion to certain posts in some services. Therefore, as per the Circular 2nd cited, instructions were issued to all Heads of Departments/Appointing Authorities to take immediate action to frame Special Rules/Executive Orders in respect of all posts and services in Government for which there are no Special Rules or Executive Orders.

It has come to the notice of Government that Departmental Promotions Committees could not be convened and select lists prepared in respect of certain posts in certain departments, particularly newly created posts, since Special Rules or Executive Orders have not been issued. Further, due to the ban imposed with effect from 1-10-1998 as per the Circular 1st cited, temporary promotions cannot be made.

In the above circumstances, in order to minimise the hardship in this regard, the ban on temporary promotions is lifted till 31st March, 2000 in cases where Special Rules or Executive Orders do not exist. During this period temporary promotions may be made against posts for which neither Special Rules nor Executive Orders exist. All Heads of Departments/Appointing Authorities should ensure that Special Rules/Executive Orders are issued and select lists prepared before that date.

M. MOHAN KUMAR,
Chief Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 1649/Rules-1/99/P&ARD.

Dated, Thiruvananthapuram, 11th February, 1999.

Sub: Departmental Promotion Committee—Preparation of Notes and Maintenance of Confidential Reports—Irregularities—Instructions issued.

The following instances of serious irregularities in the preparation of notes and maintenance of Confidential Reports have been noted at the meetings of Departmental Promotion Committees of some of the Departments:

- (i) The notes submitted to the Departmental Promotion Committee, did not mention the fact of award of punishments to some of the officers in the field of choice during the relevant period. The fact was however, detected while going through the Confidential Reports of the concerned officers.
- (ii) Loose sheets of Confidential Reports were presented before the Committee and the Committee had to trace out and arrange Confidential Reports for the relevant period.
- (iii) There have been unexplained gaps in Confidential Reports in a large number of cases, giving rise to doubts as to how this happened.

In the above circumstances, All Heads of Departments/Conveners of Departmental Promotion Committee are requested to ensure that the Confidential Reports presented to the Committee will be page-numbered, properly tagged and fully indexed and all relevant information including punishments imposed is furnished in the note to the Departmental Promotion Committee.

M. MOHAN.KUMAR,
Chief Secretary.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 4831/Rules-1/99/P&ARD. Dated, Thiruvananthapuram, 1st October, 1999.

*Sub:—*Framing of Special Rules/Executive Orders for newly created posts in Government Services—Necessity for timely action—Instructions issued.

*Ref:—*1. Circular No. 19305/Rules-1/96/P&ARD dated 12-6-1998.

2. Circular No. 5328/Rules-1/99/P&ARD dated 3-6-1999.

In the Circular 1st cited a ban temporary promotions under General Rule 31 (a) (i) Kerala State and Subordinate Services Rules, 1958 was imposed by Government. Time was allowed for completion of the process of preparation of select list initially up to 1-1-1998 and the time for completion of the process was extended up to 30-9-1998. In the Circular extending time up to 30-9-1998, it was specified that this will be the last and final extension. However, Government in the Circular 2nd cited ordered that in very hard and genuine cases where the incumbents are to retire within a period of six months, and where there are not a large number of seniors to be promoted, promotions may be given in relaxation of the ban.

It has come to the notice of Government that in certain Departments neither Special Rules nor Executive Orders are available for certain posts which hinders regular promotion. The method of appointment, qualification, etc., for a post have to be prescribed in the Government Order in which the post is sanctioned and immediate further action has to be taken to include the post in the relevant Special Rules of the concerned Department. For want of Special Rules/Executive Orders prescribing qualification etc., regular promotion has become impossible. Government cannot allow laxity in taking action for finalisation of Special Rules.

In the circumstances, all Heads of Departments/Appointing Authorities are instructed to take immediate action to frame Special Rules in respect of all the posts in the concerned Department, in case no Special Rules exist, Executive Orders should be issued in the first instance and after that action pursued to frame Special Rules as early as possible so that regular promotions can be made to all posts and services in Government.

DIHARAM VEER,
Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 5328/Rules-1/99/P&ARD. Dated, Thiruvananthapuram, 3rd June, 1999.

Sub: Public Services Departmental Promotion Committee---Banning of temporary promotion under Rule 31(a) (i) of Kerala State and Subordinate Services Rules Further instructions issued.

- Ref:*
1. Circular No. 19305/Rules-1/96/P&ARD dated 9-9-1997.
 2. Circular No. 19305/Rules-1/96/P&ARD dated 15-12-1997.
 3. Circular No. 19305/Rules-1/96/P&ARD dated 6-2-1998.
 4. Circular No. 19305/Rules-1/96/P&ARD dated 12-6-1998.

In the Circular 1st cited Government instructed that temporary promotion under General Rule 31 (a) (i) of the Kerala State and Subordinate Services Rules will not be ordered in any Department on or after 1-1-1998. Considering the practical difficulties in preparing the select lists, time was given up to 30-9-1998 to prepare select lists and the ban on temporary promotions was lifted up to that date vide Circular read as 4th paper above.

As a positive result of this ban, several Departments have taken effective steps to prepare select lists convening the Departmental Promotion Committees. However, it has come to the notice of Government that some Departments have not completed the process of preparation of select lists, and as a result, employees in these Departments are being deprived of their promotions for no fault of theirs.

In the circumstances, it has been decided that very hard and genuine cases of promotions where the incumbents are to retire within a period of six months and where there is not a large number of seniors to be promoted, promotions may be given in relaxation of the ban on provisional promotion. The concerned Administrative Department will examine each such case on merits and circulate the file to Chief Minister for orders.

M. MOHAN KUMAR,

Chief Secretary to Government.

GOVERNMENT OF KERALA.

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 6282/Rules-1/99/P&ARD. Dated, Thiruvananthapuram, 12th June, 2000

Sub:- Appointment to the post in the Kerala State Service Period of Probation- Clarification Issued.

Ref:- D.O. Lr. No. Co-ord. II/17-6/XXIV/32/195 dated 7-5-1999 from the Deputy Accountant General (Accounts), Office of the Accountant General (A&F), Kerala, Thiruvananthapuram.

As per the Special Rules in Part III of Kerala State and Subordinate Services Rules for the common categories of posts, the appointment to posts such as Senior Superintendent in the State Service is being made 'by transfer' from the post of Junior Superintendent or any other category in the Subordinate Service of the respective Department. Period of probation prescribed for appointment 'by transfer' is 2 years duty within a continuous period of 3 years.

In certain Departments, the appointment orders issued by Heads of the Departments to the post of Senior Superintendent is being termed as 'Promotion' from the cadre of Junior Superintendent/any other feeder category in the subordinate service and the Heads of Departments are declaring probation in respect of the Senior Superintendents on satisfactory completion of one year of service. In view of Rules 2(9), 1 (15) and (11) of Kerala State and Subordinate Services Rules, Part I it is not correct. The Accountant General as per the letter cited has also brought this to the notice of the Government.

Government have examined the matter in detail and issue the following instructions in this regard:

- (i) All Heads of Departments/Appointing Authorities shall make it clear in the orders of appointment, of a person as Senior Superintendent, from the category of Junior Superintendent and to other lowest gazetted posts, that the appointment is 'by transfer'.

- (ii) All Heads of Departments and Appointing Authorities shall verify whether in any of the Special Rules/Executive Orders issued in their Departments, the method of appointment "By Promotion" is prescribed for the posts in the lowest gazetted cadre and other similar posts when the direct channel of appointment is not "by promotion". If the method of appointment to any such post is found prescribed in the Special Rules/Executive Orders as "by promotion", action should be initiated to amend the method of appointment as "by transfer".

RAM SINGH,
Principal Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 6/2000/P&ARD.

Dated, Thiruvananthapuram, 14th February, 2000.

S. R. O. No. 202/2000. In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2000.

(2) They shall come into force at once.

2. *Amendment of the rules.* In Part II of the Kerala State and Subordinate Services Rules, 1958, in clause (i) of sub-rule (a) of rule 9, in the fifth proviso, after the words "Basic Health Workers/Health Assistants of Health Services Department", the words, "Veterinary Surgeons, Livestock Inspectors and Laboratory Technicians in the Animal Husbandry Department" shall be inserted.

By order of the Governor,

RAM SINGH,

Secretary to Government.

* Published in the Kerala Gazette Extraordinary No. 401, dated 1st March, 2000.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

As per the fifth proviso to General Rule 9 (a) (i) in the Kerala State and Subordinate Services Rules, 1958, Provisional Assistant Surgeons in the Health Services Department, Provisional Medical Officers in the Departments of Indian Systems of Medicine and Homoeopathy and Provisional Para-Medical Staff of the above three departments will be allowed to continue in service for a maximum period of twelve months considering the special and essential nature of hospital service. Later the benefit was extended to the Provisional Medical Officers, Lecturers and Provisional Para-Medical Staff of the Departments of Medical Education, Government Ayurveda Colleges, Government Homoeopathic Medical Colleges, Employees State Insurance, Indian System of Medicine and Homoeopathy. Government now propose to extend the benefit of the above provision to the Veterinary Surgeon, Livestock Inspector and Laboratory Technician in the Animal Husbandry Department also.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 18/2002/P&ARD. Dated, Thiruvananthapuram, 25th April, 2002.

S. R. O. No. 367/2002. In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :—

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(2) They shall be deemed to have come into force with effect from the 27th day of May, 1998.

*Published in the Kerala Gazette Extraordinary No. 662, dated 17th May, 2002.

2. *Amendment of the Rules.* In Part II of the Kerala State and Subordinate Services Rules, 1958, after sub-rule (ab) of rule 10, the following rule shall be inserted, namely:

(abb) Experience for 179 days gained through temporary appointments under rule 9(a) (i) in Departments under Government or Government/quasi Government Institutions or Public Sector Undertakings shall be considered as experience therein for six months for appointment to posts for which qualification of experience for not less than six months is prescribed."

By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

Temporary appointments under General Rule 9(a) (i) of Part II, Kerala State and Subordinate Services can be made for a period not exceeding 180 days. But usually the appointing authorities terminate such appointments on completion of 179 days. Government consider that it will be harsh to the candidates if the above service is not considered six months experience for appointment to the posts for which experience for not less than six months is prescribed as qualification. Hence Government have issued orders in G. O. (P) No. 16/98/P&ARD dated 27-5-1998 accordingly. This amendment is to be incorporated in the Kerala State and Subordinate Service Rules.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 21/2002/P&ARD. Dated, Thiruvananthapuram, 4th May, 2002.

S. R. O. No. 342/2002. In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Service Rules, 1958, namely:

RULES

1. *Short title and commencement.* (i) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(ii) They shall come into force at once.

2. *Amendment of the Rules.* In Part I of the Kerala State and Subordinate Services Rules, 1958, in the Schedule in list III "Other Backward Classes in the Kerala State" under the heading "1. Through out the State" for item No. 73, the following shall be substituted, namely:

"73. Veerasaivas (Yogis, Yogeeswara, Poopandaram/Maalapandaram and Jangam)".

By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

* Kerala State Commission for Backward Classes has recommended to include the Poopandaram/Maalapandaram and Jangam communities in the State List of Other Backward Classes for reservation in Public Service. Government have accepted the recommendation and executive orders were issued in G. O. (Ms.) No. 57/96/SCSTDD, dated 8-11-1996. In order to give statutory validity to the above executive orders, Government have decided to amend the Kerala State and Subordinate Service Rules suitably.

This notification is intended to achieve the above object.

*Published in the Kerala Gazette Extraordinary No. 623, dated 10th May, 2002.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 25/2002/P&ARD. Dated, Thiruvananthapuram, 9th May, 2002.

S. R. O. No. 375/2002. In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(2) They shall be deemed to have come into force with effect from 1st April, 1993.

2. *Amendment of the rules.* In Part II of the Kerala State and Subordinate Services Rules, 1958, in rule 10, after sub-rule (g) the following sub-rule shall be inserted, namely:

“(h) the entire period of service in the Personal Staff of Ministers’ Leader of Opposition/Government Chief Whip/Speaker/Deputy Speaker/Chairmen of Financial Committees, rendered by a person (other than a Government Servant) shall be excluded in computing his age for appointment in Public Services subject to the overall age limit fixed in the Public Services (Raising of Upper Age Limit for Appointment) Rules, 1978.

By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In G. O. (P) No. 25/93/P&ARD dated 1st April, 1993 and in G.O. (P) No. 33/97/P&ARD dated 22nd December, 1997 it was ordered that the entire service in the Personal Staff of Ministers/Leader of Opposition/Government Chief Whip/Speaker/Deputy Speaker/Chairmen of Financial Committees rendered by a person (other than Government Servant) will be excluded in computing the age for appointment in public services. Government propose to give statutory validity to the above orders by making suitable amendment to the Kerala State and Subordinate Services Rules, 1958.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 26/2002/P&ARD. Dated, Thiruvananthapuram, 9th May, 2002.

S. R. O. No. 376/2002. In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(2) They shall be deemed to have come into force with effect from the 30th day of March, 1995.

2. *Amendment of the rules.* In Part II of the Kerala State and Subordinate Services Rules, 1958, in sub-rule (c) of rule 9,

*Published in the Kerala Gazette Extraordinary No.674, dated 20th May, 2002.

(1) in item (iv), the word "or" shall be added at the end;

(2) after item (iv), the following item shall be inserted, namely:

"(v) is physically handicapped and was in service for any day during the period commencing on and from the 1st January, 1993 and ending with the 31st July, 1994."

By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In G. O. (P) No. 6/95/P&ARD, dated 30-3-1995, Government issued orders for the regularisation of temporary appointment of Physically Handicapped persons who were engaged provisionally during the period from 1-1-1993 to 31-7-1994, irrespective of the fact that they were continuing in service or not. In order to give statutory validity to the above orders, Government propose to amend the General Rules suitably.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 27/2002/P&ARD. Dated, Thiruvananthapuram, 14th May, 2002.

S. R. O. No. 440/2002. In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:

*Published in the Kerala Gazette Extraordinary No. 758, dated 3rd June, 2002.

RULES

1. *Short title and commencement.*- (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(2) They shall come into force at once.

2. *Amendment of the Rules.*- In Part I of the Kerala State and Subordinate Services Rules, in rule 2, after clause (6), the following sub-heading and clause shall be inserted, namely:

“(6A) “*Ex-Serviceman*”, “*Ex-serviceman*” for the purposes of these rules shall include any categories of service as may be defined by the Government of India as such, from time to time”.

By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

Definition of the term “*Ex-serviceman*” is a Central Government subject and it is felt that the State Government need not redefine it as and when Central Government makes changes in it. Government desires to clarify the above matter.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 40/2002/P&ARD. Dated, Thiruvananthapuram, 4th September, 2002.

S. R. O. No. 743/2002. In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1968, namely:

*Published in the Kerala Gazette Extraordinary No.1360, dated 19th September, 2002.

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Service (Amendment) Rules, 2002.

(2) They shall come into force at once.

2. *Amendment of the rules.* In Part II of Kerala State and Subordinate Services Rules, 1958, in rule 5A, in the Annexure,

(i) Under the heading 'Technical Posts' for item 1 and 2 the following shall be substituted, namely:

1. Driver (Heavy Duty Vehicle)	Various Departments including the departments of Excise, N. C. C., Sainik Welfare and Tourism.
2. Driver (Light Duty Vehicle)	Various Departments including the departments of Excise, N. C. C., Sainik Welfare and Tourism.

(ii) Under the heading 'Non-Technical Posts', for entries No. 9, the following shall be substituted, namely:

"9. Gate Keeper Grade-II Lascar Grade-II	Printing Department"
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By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its general purport.)

A weightage of 5 marks has been granted to candidates of native districts in the case of district-wise recruitment for the post of Driver (Heavy Duty Vehicle and Light Duty Vehicle) in Various Departments. The Kerala Public Service Commission reported that this benefit may also be extended to the posts of Drivers (Heavy Duty and Light Duty Vehicles) in the Departments of Excise, N. C. C., Sainik Welfare and Tourism. Further, the post of Lascar Grade II and

Gate Keeper Grade II in the Printing department has been made as a separate category in the Last Grade Service. At present only the post of Lascar has been included for the benefit under Rule 5A, Kerala State and Subordinate Services Rules, Part-II. The same has to be extended to the Gate Keeper Grade-II also. Government accepted the suggestion of the Kerala Public Service Commission and decided to amend the Kerala State and Subordinate Services Rules, 1958, suitably for this purpose.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 42/2002/P&ARD. Dated, Thiruvananthapuram, 24th October, 2002.

S. R. O. No. 871/2002. In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely,

RULES

1. *Short title and commencement.* - (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(2) These rules shall come into force at once.

2. *Amendment of the rules.* In Part II of the Kerala State and Subordinate Services Rules, 1958, --

(1) in Rule 10, after sub-rule (d); the following sub-rule shall be added, namely:

“(dd) In the absence of qualified candidates within the age limit, the upper age limit, shall be relaxed up to 50 years for Special recruitment”.

(2) in Rule 17C, for the words, letter and brackets “and (d)”, the words, letters and brackets “(d) and (dd)” shall be substituted.

By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

In the case of Special Recruitment of Scheduled Caste/Scheduled Tribes to higher posts some times candidates with the required qualification within the age limit are not available. At the same time, candidates with the required qualification may be available in service and such candidates are not able to apply for the post on account of the upper age limit prescribed for direct recruitment. In order to enable the Kerala Public Service Commission to consider such cases also, Government have decided to fix the age limit as 50 years in the case of departmental candidates for direct recruitment under Special Recruitment Programme.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 43/2002/P&ARD. . Dated, Thiruvananthapuram, 24th October, 2002.

S. R. O. No. 872/2002. In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :-

RULES

1. *Short title and commencement.*- (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(2) They shall come into force at once.

2. *Amendment of the rules.*- In Part I of the Kerala State and Subordinate Services Rules, 1958, in list III of the schedule under the heading "Other Backward Classes in the Kerala State", -

For the entry in item 62, the following entries shall be substituted, namely:

"Saliyas, Chaliya (Chaliyan)".

By order of the Governor,

C. RAMACHANDRAN,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate is general purport.)

Government have issued clarification in Circular No.12382/F3/99/SCS/IDD dated 29-4-2000 that the 'Saliyas' Community included in list III of the Schedule to Part I of the Kerala State and Subordinate Services Rules, 1958 has local popular name 'Chaliya' (Chaliyan) also. In order to give statutory validity for the above clarification, Kerala State and Subordinate Services Rules have to be amended suitably.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 44/2002/P&ARD. Dated, Thiruvananthapuram, 24th October, 2002.

S. R. O. No. 873/2002. - In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely: -

RULES

1. *Short title and commencement* - (a) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(2) They shall come into force at once.

2. *Amendment of the rules*:- In Part I of the Kerala State and Subordinate Services Rules, 1958, in list III of the Schedule under the sub head "Throughout the State".

(1) item "44 Mappila" shall be omitted.

(2) for item 48, the following shall be substituted, namely:—
"48 Muslim or Mappila".

By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government

Explanatory Note.

(This does not form part of the Notification, but is intended to indicate its general purport.)

As per notification G. O. (P) 18/04/P&ARD dated 5-4-1994, Government have clarified that terms 'Mappila and Muslim' occurring in the schedule to G. O. (Ms) No.141/78/GAD dated 15-3-1978 are synonymous as far as Kerala is concerned.

* Published in the Kerala Gazette Extraordinary No. 1525 dated 25th October 2002.

Therefore there is no necessity to retain both the terms independently in the list of communities appended to the Schedule to Part I, Kerala State and Subordinate Services Rules. It is also felt that "Muslim or Mappila" is the appropriate term which would convey the correct intension.

This notification is intended to achieve the above object

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 45/2002/P&ARD. Dated, Thiruvananthapuram, 24th October, 2002

S. R. O. No. 874/2002.—In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(2) They shall come into force at once.

2. *Amendment of the rules.*—In Rule 2 of Part I of Kerala State and Subordinate Services Rules, 1958, in List III of the schedule, under the heading "Other Backward Classes in the Kerala State" after item 34 and the entries relating thereto, the following item and entries shall be added, namely:—

"35. Kongu Navithan, Vettuva Navithan and Aduthon".

By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its general purport.)

As per G. O. (Ms.) No. 67/96/SCSTDD. dated 26-12-1996, Government have issued orders including "Kongu Navithan", "Vettuva Navithan" and "Aduthon" communities in List III of the schedule to Part I of the Kerala State and Subordinate Services Rules, 1958. For giving statutory validity to the said order, the Kerala State and Subordinate Services Rules have to be amended suitably.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 48/2002/P&ARD. Dated, Thiruvananthapuram, 30th October, 2002.

S. R. O. No. 913/2002.— In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Service Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :-

RULES

1. *Short title and commencement.*— (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(2) They shall come into force at once.

2. *Amendment of the rules.*— In Part I of the Kerala State and Subordinate Services Rules, 1958, in the schedule, in List III "Other Backward Classes in the Kerala State", after item No. "41 Kumbarans" the following shall be inserted, namely: -

"41 A. Kuruba".

By order of the Governor,

C. RAMACHANDRAN,
Principal Secretary to Government

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

Kerala State Commission for Backward Classes has recommended to include the 'Kuruba' Community in the State List of Other Backward Classes for reservation in Public Services. Government have accepted the recommendation and issued orders in G. O. (Ms.) No. 15/97/SC/STDD dated 3-3-1997 to include the 'Kuruba' Community in the State List of Other Backward Classes for reservation in Public Services. Government proposes to amend the Kerala State and Subordinate Service Rules accordingly.

This notification is intended to achieve the above object

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G O. (P) No. 49/2002/P&ARD. Dated, Thiruvananthapuram, 30th October, 2002.

S. R. O. No. 912/2002. In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*— (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2002.

(2) They shall come into force at once.

2. *Amendment of the rules.*— In Part I of Kerala State and Subordinate Services Rules, 1958, in the Schedule in List III "Other Backward Classes in the Kerala State" under the sub-heading "1. Throughout the State" after item 76 and the entries against it, the following item and entries shall be added, namely:—

"77. Mooppar" or "Kallan Mooppar" or "Kallan Mooppar".

By order of the Governor,
C. RAMACHANDRAN,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

Under Section 9 (1) of the Kerala State Commission for Backward Classes Act, 1993, the Kerala State Commission for Backward Classes in their report dated, 31-7-1995 have advised the Government to include "Moopar" or "Kallan Mooppan" or "Kallan Mooppar". Accordingly, Government in G. O. (Ms.) No. 55/95/SC/STDD dated 1st November, 1995 have issued orders including the Community in the State List of Other Backward Classes as item No. 77. Amendment to the Kerala State and Subordinate Services Rules is required to give statutory validity to the above orders.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 51/2002/P&ARD. Dated, Thiruvananthapuram, 30th October, 2002.

S. R. O. No. 915/2002. - In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Service (Amendment) Rules, 2002.

(2) They shall come into force at once.

2. *Amendment of the rules.* - In Part I of the Kerala State and Subordinate Services Rules, 1958, in the schedule, in List III "Other Backward Classes in the Kerala State", for item 13 "Chetties" under the heading "Throughout the State", the following item shall be substituted, namely: -

"13. Chetties Kottar Chetties, Paracka Chetties, Elur Chetties, Attingal Chetties, Pudukkada Chetties, Iraniel Chetties, Sri Pandara Chetties, Telugu Chetties, Udayamkulangara Chetties, Peroorkada Chetties, Sadhu Chetties, 24 Mana Chetties, Wyanadan Chetties, Kalavara Chetties and 24 Mana Telungu Chetties".

By order of the Governor,

C. RAMACHANDRAN,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

Government after considering the report of the KIRTADS, have issued orders in G. O. (Ms.) 11/99/SC/STDD, dated 1-2-1999 to include "24 Mana Telugu Chettics" in the State list of other Backward Classes for reservation in Public Services. Now Government propose to amend the Kerala State and Subordinate Services Rules accordingly.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR MEMORANDUM

G. O. (P) No.19927/R1/2002/P&ARD. Dated, Thiruvananthapuram, 4th June, 2003.

Sub: -Special Rules--Simplified procedure for framing or amending Special Rules --Revised instructions issued.

Ref:--1. Circular Memorandum No. 12438/R1/89/P&ARD dated 1-12-1990.

2. Circular No. 2519/R1/98/P&ARD dated 7-5-1998.

3. 19927/R1/2002/P&ARD dated 21-1-2003.

Government examined the possibility of avoiding/reducing the delay in framing/amending the Special Rules to regulate the recruitment and conditions of service of persons appointed to Public Services. It was found that the procedure laid down in the Circular 1st cited could be further simplified for this purpose. Accordingly Para 2 (iii) and (iv) of the Circular 1st cited will be substituted by the following:--

2 (iii) The draft rules finalised after discussion with the representatives of the Service Organisations will be placed before a committee consisting of the following members ;

1. Secretary of the Administrative Department (Chairman and Convener)
2. Secretary, P&ARD or his representative.

3. Law Secretary or his representative.
4. Head of the Department.

The Secretary of the Administrative Department may co-opt anybody else if required.

(iv) The concerned Administrative Department will give a copy of the draft Special Rules to the members of the Committee 15 days before the proposed meeting. The representatives of the Personnel and Administrative Reforms Department and Law Department will offer the views of their departments in the meeting itself. (The file will not again be sent to those departments). The Committee will discuss and finalise the Special Rules within two months.

N. CHANDRASEKHARAN NAIR,
Chief Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G O. (P) No. 24/2003/P&ARD. *Dated, Thiruvananthapuram, 14th August, 2003.*

S. R. O. No. 876/2003.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Service Rules, 1958, namely:

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2003.

(2) They shall come into force at once.

2. *Amendment of the rules.*—In Part II of the Kerala State and Subordinate Service Rules, 1958 after sub-clause (4a) of clause (i) of rule 28 (b), the following sub-clause shall be inserted, namely:—

“(4b) where confidential reports for the three years mentioned in sub-clause (4) are not available in respect of an officer for no fault of this upto a

* Published in the Kerala Gazette Extra ordinary No. 1756 dated 19th September, 2003.

period of six months, the Departmental Promotion Committee shall consider ignoring the non-availability of the report for the said period, the suitability of the Officer based on the available report or by getting special confidential report from the Superior Officer/Higher authority under whom the officer is working at the time of consideration of his case”.

By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

As per General Rule 28 (b) (i) (4) of Kerala State and Subordinate Services Rules, confidential reports of the officers for the last preceding three years shall be made available to the Departmental Promotion Committee for assessing the merit and ability of an Officer. Though it is the responsibility of the reporting officers to ensure that the confidential reports are written in time in respect of officers working under him, there may be instances where the reporting officers fail to write the reports even then the officers concerned have given the self assessment, resulting in denying or delaying promotions. In order to minimise the hardships of officers in such situations Government have decided to amend the relevant provision in the Kerala State and Subordinate Services Rules so as to enable the Departmental Promotion Committee to ignore non-availability of Confidential Reports for a period of upto six months to consider the suitability of the Officer based on the available reports or by getting Special Confidential Reports from the Superior Officer/Higher authority under whom the officer is working at the time of consideration of his case.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 25/2003/P&ARD. Dated, Thiruvananthapuram, 21st August, 2003.

S. R. O. No. 845/2003. In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Service Rules, 1958, namely :

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Service (Amendment) Rules, 2003.

(2) They shall come into force at once.

2. *Amendment of the rules.* - In Part II of the Kerala State and Subordinate Service Rules, 1958, in rule 13B, -

(i) in the opening sentence, in between the words "obligatory departmental tests", and the words "for all purposes" the words "other than those prescribed as qualification in the Special Rules", shall be inserted.

(ii) in the fourth proviso, in between the words "obligatory departmental tests" and the words "for all purposes" the words "other than those prescribed as essential qualification in the Special Rules", shall be inserted.

By order of the Governor,

C. RAMACHANDRAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

As per Rule 13B of Part II of the Kerala State and subordinate Services Rules, 1958, employees who have attained the age of 50 years are exempted from passing the obligatory departmental tests for all purposes, such as promotion, appointment as full member of a service etc. The words 'obligatory' creates some confusion in allowing exemption from prescribed test qualification in some cases. In the Special Rules for some departments, the departmental tests to be passed are included under rule 'Tests' and for certain other departments the departmental tests to be passed are included along with academic qualification as 'Qualifications'. In such cases, there is confusion whether employees can be allowed the benefit of the proviso to Rule 13B under Part II of the Kerala State and Subordinate Service Rules, 1958. The Government have after consulting the Kerala Public Service Commission decided to amend Rule 13B so as to remove the ambiguity.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No. 26/2003 P&ARD. *Dated, Thiruvananthapuram, 21st August, 2003.*

S. R. O. No. 846/2003. In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely :

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2003.

* Published in the Kerala Gazette Extra ordinary No. 1696 dated 2nd September, 2003

(2) They shall come into force at once.

2. *Amendment of the rule 27 (a).* In Part II of the Kerala State and Subordinate services Rules, 1958, in sub-rule (a) of rule 27, for the opening portion of the second proviso beginning with the word "provided further that the seniority" and ending with the words "shall be decided as follows: "the following shall be substituted, namely:

"provided further that the seniority of persons advised for appointment to the same category of post in a department on the same date by different District Offices District units of the Public Service Commission and the seniority at persons advised for appointment to different posts which constitute feeder categories of higher post in a department on the same date by the Public Service Commission shall be decided as follows: .

By-order of the Governor.

C. RAMACHANDRAN,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate is general purport.)

The norms for fixing seniority of persons advised for appointment to the same category post in a department on the same date by different District Offices of the Public Service Commission have been fixed as per second proviso to rule 27(a) of Part II, Kerala State and Subordinate Services Rules, 1958. Now, Government have examined the question of fixing norms for seniority of persons, advised on the same date for appointment to different posts which constitute feeder categories of a higher post by the Kerala Public Service Commission and have decided to apply the same principles as enunciated in the existing second proviso to rule 27(a) of the rules to them also.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 159/R1/2003/P&ARD. Dated, Thiruvananthapuram, 24th January, 2003.

Sub: K.S.&S.S.Rs. 1958 Re-appointment under Rule 8 of General Rules Instructions issued.

In W. A. No. 980/87, the Division Bench of the Hon'ble High Court of Kerala examined the true scope and content of Rule 8 of the General rules of Kerala State and Subordinate Service Rules, 1958. The High Court took the stand that when a member of a service takes appointment in another service, he automatically relinquishes his right in the parent Department. The Full Bench of High Court, Kerala, in W.A.No. 69/95, over-ruling the order of the Division Bench in W.A. No. 980/87, adjudicated that the persons who left the Department for taking up appointment in another service under Government can come back to former Service/Department under Rule 8 of General Rules of Kerala State and Subordinate Service Rules. But the Supreme Court, in their interim order dated 10-9-1999, in S L P No. 14996/98 filed by Sri. M. K. Ali, has directed to maintain the status-quo pending disposal of the appeal. The appeal is still pending final disposal.

Instances have come to the notice of Government wherein persons who left a Department on their own volition have been permitted to rejoin the former Department.

In view of the direction of the Supreme Court mentioned above, Government hereby direct that as regards the re-appointment under Rule 8 of Kerala State and Subordinate Service Rule, status-quo must be maintained till the final judgement in SLP 14996/98 is pronounced by the Hon'ble Supreme Court.

C. RAMACHANDRAN,
Principal Secretary to Government

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 12409/Rules-1/2003/P&ARD. Dated, Thiruvananthapuram, 14th August, 2003.

Sub: Public Service Department Promotion Committee - Rule 28 (b) (i) of the KS&SSR- Observance of the Procedure - Instructions - Issued.

Ref: D. O. letter No. SS 1 (2)-284/2003, dated 5-7-2003 from the Chairman, Kerala Public Service Commission.

As per rule 28 (b) (i) 4 of the Kerala State and Subordinate Services Rules the Departmental Promotion Committee has to meet periodically to prepare select lists, in the order of merit of the officers selected for appointment. The committee may also hold the ad hoc meetings for the purpose of making selection whenever vacancies arise. Now it has come to the notice of the Government that in almost all cases convenors of Departmental Promotion Committee (either Head of Department or Government Secretary) take initiative only to convene the Departmental Promotion Committee for Preparation of select list for vacancies that may arise during the current year. But as per Rules select lists have to be prepared for the vacancies during a calendar year estimated to arise in the next calendar year.

As per the D.O.Letter referred to above, the Kerala Public Service Commission has brought to the notice of the Government that it is a practice of the convenors of the Departmental Promotion Committee to seek the convenience of the Member of the Commission who is the Chairman of the Departmental Promotion Committee at the last minute in hasty manner. It is also noticed that there are several complaints that promotions are delayed as the Departmental Promotion Committee could not be held in time. This can be avoided if the Departmental Promotion Committee strictly follow the calendar specified in Rule 28 (b) (i) 4 of the KS&SSR.

In the above circumstances in order to minimize hardship in this regard all Heads of Departments and Secretaries to Government are directed to observe strictly the instructions under Rule 28 (b) (i) of the KS&SSR for convening the Departmental Promotion Committees. They should ensure that the convenience of the Chairman of the Departmental Promotion Committee is ascertained sufficiently early and the date of meeting intimated to the Chairman and Members of the DPC fifteen days in advance.

N. CHANDRASEKHARAN NAIR,
Chief Secretary.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 1140/R1/2004/P&ARD. *Dated, Thiruvananthapuram, 21st February, 2004.*

Sub: Special Rules—Simplified procedure for framing and issuing Special Rules—Consolidated instructions issued.

Ref: 1. Circular memorandum No. 12438/R1/89/P&ARD dated 1-12-1990.

2. G. O. (Ms.) No. 5/98/GAD dated 7-1-1998 issued as S. R. O. No. 15/1998.

3. Circular Memorandum No. 2519/R1/98/P&ARD dated 7-5-1998.

4. G. O. (Ms.) No. 1/2002/GAD dated 1-1-2002, issued as S.R.O. No. 1/2002.

5. Circular Memorandum No. 19927/R1/2002/P&ARD dated 4-6-2003.

This consolidated and self-contained circular detailing the present simplified procedure for framing and issuing Special Rules is issued to facilitate easy and ready reference by codifying the modifications and amendments made from time to time as per the circulars and orders cited supra.

2. As per the G. O. cited (2) above, Government have amended Part II of the Rules of Business and entrusted the subject of framing and issuing of Special Rules to the Administrative Department concerned in respect of the departments which come under its administrative control. As per G.O. cited (4) above, the requirement of placing the Special Rules before the Council of Ministers for approval has also been dispensed with. Thus the procedure for framing and issuing Special Rules has been substantially simplified and can be handled entirely by the Administrative Department itself.

3. The following is the step by step procedure to be followed in regard to the framing and issue of Special Rules.

(i) The Administrative Department will prepare the draft Special Rules in consultation with or on receipt of proposals from the Head of Department.

(ii) The next step is to discuss the draft Special Rules with the representatives of the common service organisations and other recognized service organisations, if any, in the department, at a conference to which a representative of the personnel and Administrative Reforms Department will also be invited. The intimation regarding the discussion along with the draft rules should be sent to the P & ARD and the representatives of the service organisations concerned fifteen days before the proposed discussion so as to enable them to come prepared.

(iii) The draft rules will then be placed before a committee consisting of the following : (1) The Secretary of the Administrative Department (Chairman and Convener), (2) Secretary P&ARD or his representative, (3) Law Secretary or his representative, (4) Head of the Department. The Secretary of the Administrative Department may co-opt anybody else if required. The Administrative Department will send a copy of the draft Special Rules to the members of the committee at least fifteen days before the proposed meeting to provide sufficient time for scrutiny. The representatives of the personnel and Administrative Reforms Departments and Law Department will then offer the views of their departments in the meeting itself. (The file need not be referred again to those departments).

(iv) The Administrative Department should then refer the proposal to the Kerala Public Service Commission for advice. After considering the advice of the Public Service Commission, the Administrative Department will finalise the draft Special Rules.

(v) The Administrative Department will then send the draft Special Rules to the concerned Subject Committee for consideration. After Considering the recommendation, if any, of the Subject Committee, the Administrative Department will finalise the Special Rules. In the case of special urgency like court time-limit etc., the alternative procedure of issuing the Special Rules and simultaneously transmitting a copy of the same to the Subject Committee can be followed.

(vi) The finalised draft Special Rules will then be approved and issued as an S.R.O. notification in the Gazette

Dr. M. VIJAYANUNNI,
Principal Secretary to Government.

GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—RELINQUISHMENT OF PROMOTION—GUIDELINES REVISED
ORDERS ISSUED

PERSONNEL AND ADMINISTRATIVE REFORMS (RULES) DEPARTMENT

G. O. (P) No. 20/2004/P&ARD, Dated. Thiruvananthapuram, 10th December, 2004.

- Read:- 1. G. O. (P) No. 39/91/P & ARD Dated 7-12-1991.
2. Judgement dated 27-5-2002 of the High Court of Kerala in O.P. No. 28956/2000.

ORDER

In the Government Order read as 1st paper above Government had issued guidelines for relinquishment of promotions by Government employees in pursuance of the Statutory Rule 38 of the Kerala State and Subordinate Service Rules, which is extracted below:-

"Rule 38. Relinquishment of rights by members:—Any person may, in writing, relinquish any right or privilege to which he may be entitled under these rules or the Special Rules, if, in the opinion of the Appointing Authority, such relinquishment is not opposed to public interest; and nothing contained in these rules or the Special Rules shall be deemed to require the recognition of any right or privilege to the extent to which it has been so relinquished.

[Explanation:—The relinquishment of the right for promotion under this rule shall entail loss of seniority and a relinquishment of the right for promotion shall not be permissible unless such relinquishment entails loss of seniority]"

2. In State of Kerala *V. Suscela George* reported in 2000 (3) KLT 295 the High Court of Kerala held that "When there is an offer for a provisional promotion and the Government Servant declines to accept the post, it is difficult to lay down that he will forfeit his rights for all time to come.....if, what could be relinquished by an employee is only a right or privilege, the corollary is that it may not be possible to give away what he does not have in tangible terms as a right or privilege."

3. In *Joseph, V. State of Kerala* [1987 (2) KLT 579] a Division Bench of the Court held that "the loss of seniority contemplated is not in the feeder category, but in the promoted category. As a result of relinquishment, the juniors who were promoted can retain their seniority in the promoted post. Even if the senior who relinquished promotion is subsequently given promotion, he cannot get seniority over those juniors who were promoted earlier. This is the effect of the Explanation added to Rule 38 K.S. & S.S.R. Even before the introduction of the Explanation, the effect of relinquishment was loss of seniority in the promotion post with reference to those juniors promoted earlier. A Provisional promotee will not get seniority in the promoted cadre. This is evident from Rule 31 (c), (d) and (e) of K.S. & S.S.R. So the explanation to Rule 38 dealing with loss of seniority is applicable only to regular promotions".

4. In the judgement in OP 28956/2000 (*Dr. K. A. Kumar V. State of Kerala*) the High Court of Kerala has held that "normally a relinquishment is made of something which is offered to him or which is in the process of being offered to him. In the case at hand, what has been offered is a only a provisional promotion andhe has relinquished it permanently. Even assuming that as contended by the contesting respondents, the relinquishment is permanent, it can only be in relation to the provisional promotion which has been granted to him..... The acceptance of a relinquishment by the appointing authority is concerned only with the fact whether the relinquishment will affect public interest or not If the petitioner has right to relinquish his promotion, he must have the right to withdraw it also. The finding of the authority that his relinquishment is not against public interest will not stand in the way of exercising his right to withdraw the relinquishment. Any other interpretation of Rule 38 will be violative of the fundamental rights of a senior employee guaranteed under Article 14 to 16 of the Constitution of India and his legal rights under Rule 28 and 31 of the K. S. & S. S. R., as the same will deny him the rights of being considered for promotion. It is declared that respondents 1 and 2 are bound to accept the withdrawal of relinquishment as prayed for and the claim of the petitioner to provisional promotionshall be consideredin accordance with law. In view of my finding that the petitioner has not relinquished his claim for regular promotion, the petitioner's claim for regular promotion shall be considered in accordance with law..... The executive order dated 7-12-1991 [G.O. (P) No.39/91/P&ARD dated 7-12-1991] regarding relinquishment should be understood and implemented in the light of the interpretation given to Rule 38 herein above".

5: In view of the above rulings, Government order that cases of relinquishment of promotions be dealt with and disposed of in conformity with the dicta laid down as in the foregoing paras and as summarised below:

(i) The right to relinquish promotion includes the right to withdraw it also.

(ii) A relinquishment is made of something which is offered or something which is in the process of being offered. When a provisional promotion is offered and relinquished, what is relinquished is only the provisional promotion offered, and it should not be interpreted to mean that all future regular promotions have been relinquished for all time to come.

(iii) The acceptance of a relinquishment by the appointing authority is concerned only with the fact whether the relinquishment will affect public interest or not. The finding of the authority that his relinquishment is not against public interest will not stand in the way of the employee exercising his right to withdraw the relinquishment.

(iv) The loss of seniority contemplated by the Explanation to Rule 38 is applicable only to regular promotions and not to provisional promotions, as a provisional promotee does not anyway get seniority in the promoted cadre.

(v) The loss of seniority contemplated being only in the promoted post and not in the feeder category, the person's seniority in the feeder category is not lost on relinquishment of promotion, but in the promoted post, even if the senior who relinquished promotion is subsequently given promotion, he cannot get seniority over those juniors who were promoted earlier.

By order of the Governor,

DR. M. VIJAYANUNNI,

Additional Chief Secretary.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 768/RI/2004/P&ARD. *Dated, Thiruvananthapuram, 12th May, 2004.*

Sub: - Public Services -- Confirmation in service -- Instructions issued.

Employees can return to their parent department as per Rule 8 of Part II KS&SSR without losing their seniority in the parent department if they are not confirmed in the new department. It has come to notice that in many offices timely action is not taken to confirm the employees in their respective posts in spite of availability of vacancy and eligibility for such confirmation. This leads to unnecessary claims for reappointment and seniority in the parent department as per Rule 8 of Part II of KS&SSR from employees who left the department years ago. It is therefore directed that while considering the requests for reappointment it should be examined whether the applicant is eligible for confirmation in the latter department. In cases where the employees are eligible for confirmation they should be confirmed in the appropriate post at the earliest on the date of eligibility. Such confirmed persons need not be considered for reappointment in the parent department with restoration of seniority under Rule 8 of Part II KS&SSR.

Dr. M. VIJAYANUNNI,
Principal Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 768/RI/2004/P&ARD. *Dated, Thiruvananthapuram, 15th July, 2004.*

Sub: -- KS & SSR 1958 -- Re-appointment under Rule 8 of the General Rules Regarding.

Ref: (1) Circular No. 159/RI/2003/P & ARD dated 24-1-2003 of the P & AR (Rules) Department.

(2) Circulars of even No. dated 20-3-2004, 26-3-2004 and 12-5-2004 of the P & AR (Rules) Department.

In the Circular first cited, it had been directed to maintain statu quo regarding reappointment under Rule 8 of the Kerala State and Subordinate Service Rules, till the final judgement is pronounced by the Supreme Court in S. L. P. 14996/98 filed by Sri M. K. Ali. The Supreme Court has pronounced the final judgement on 22-4-2003 in the S. L. P. by affirming Rule 8 of Part II, KS & SSRs, in pursuance of which the Government Circular first cited above has ceased to be in force and the appointing authorities concerned are free to pass appropriate orders on the requests received/pending before them under Rule 8 of K.S. & S.S.R.s for reappointment in the parent department. As per the Full Bench decision of the High Court in W.A. No. 69/95 and as affirmed in S. L. P. 14996/98, employees can return to their parent department as per Rule 8 of Part II of KS & SSR without losing their seniority if they are not confirmed in the new department. But it has come to notice that in many offices timely action is not taken to confirm the employees in their respective posts in spite of availability of vacancy and eligibility for such confirmation. This has brought to an embarrassing situation where the claims for reappointment in the parent department as per Rule 8 of Part II of KS & SSR from employees who left the department years ago have to be considered in spite of the fact that such employees are otherwise eligible for confirmation in the latter Department. It is therefore directed that while considering the requests for appointment it should be examined whether the applicant is eligible for confirmation in the latter department. In cases where the employees are eligible for confirmation they should be confirmed in the appropriate post at the earliest on the date of their eligibility. Such confirmed persons need not be considered for reappointment in the parent department under Rule 8 Part II KS & SSR.

Government circulars second cited are hereby cancelled.

N. CHANDRASEKHARAN NAIR,

Chief Secretary.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

ERRATUM*

G. O. (P) No. 12/05/P & ARD. Dated, Thiruvananthapuram, 25th April, 2005.

S. R. O. No. 410/2005.— In the Kerala State and Subordinate Services (Amendment) Rules, 1998 issued in notification G. O. (P) No. 37/98/P&ARD dated, 15th December, 1998 published as S. R. O. No. 1103/98 in the Kerala Gazette Extraordinary No. 2083 dated 22nd December, 1998, in the preamble, for "the Kerala State and Subordinate Services Rules, 1968", read "the Kerala State and Subordinate Services Rules, 1958".

By order of the Governor,

V. ANANDASIVAN,

Joint Secretary to Government.

GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES - PROBATION TO THE POSTS TO WHICH THE METHOD OF APPOINTMENT
IS BY TRANSFER—PERIOD OF PROBATION—ORDERS ISSUED

PERSONNEL AND ADMINISTRATIVE REFORMS (RULES) DEPARTMENT

G. O. (P) No. 5/2006/P&ARD. Dated, Thiruvananthapuram, 22nd February, 2006.

- Reul: 1. G. O. (Ms) No.188/66/PD dated 6-5-1966.
2. Letter No. AV (3) 5704/2003/GW dated 7-2-2004 from the Secretary, Kerala Public Service Commission.

ORDER

As per the G. O. read as first paper above, every person appointed to a category by direct recruitment or recruitment by transfer from any other service

* Published in the Kerala Gazette Extraordinary No. 886 dated 27th April, 2005.

shall be on probation for a total period of two years on duty within continuous period of three years. In the case of appointment by promotion every person shall be on probation for a total period of one year on duty within continuous period of two years. Generally, probation of a post is prescribed in the Special Rules and in the absence of Special Rules, it is prescribed in the executive orders issued for the post and the period of probation insisted in such Special Rules/Executive orders is similar to those prescribed in the G. O. read as first paper above. Various service organisations of the State have represented before Government that many higher posts are lying vacant due to the insistence of two years on duty period for the successful completion of probation in the lower gazetted post and requested to reduce the period of probation in such posts to one year on duty.

2. Government have examined the matter in consultation with the Kerala Public Service Commission and taking into account the advice tendered by the Commission and also in view of the urgency in filling up the higher posts Government are pleased to order that notwithstanding anything contained in the General Rules of KS & SSR, 1958 and in the Special Rules/Executive Orders, the period of probation for persons appointed by direct recruitment or recruited by transfer through Public Service Commission shall be two years on duty within a continuous period of three years and for persons appointed in a post or category from another post or category in the same service or appointed by transfer from one service to another within the same department or in another department (where direct recruitment is not resorted to) shall be one year on duty within a continuous period of two years.

3. Necessary amendment to the KS & SSR will be issued separately.

4. The G. O. read as first paper above stands modified to the above extent.

By order of the Governor,

DR. DHARAM VEER,

Principal Secretary to Government

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 7/2006/P&ARD. Dated, Thiruvananthapuram, 8th March, 2006.

S. R. O. No. 227/2006.— In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Service Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(i) These rules may be called the Kerala State and Subordinate Service (Amendment) Rules, 2006.

(ii) They shall be deemed to have come into force on the 2nd February, 2006.

2. *Amendment of the rules.*—In Part II of the Kerala State and Subordinate Service Rules, 1958, —

(1) in rule 14

after sub-rule (d), the following sub-rules shall be added, namely:—

“(c) A supplementary list of sufficient number of suitable candidates, not less than five times the reservation quota, if available, from each community or group of communities for the purpose of satisfying the reservation quota, shall be prepared and published.

Note.—“Suitable candidates’ for the purpose of this rule shall mean candidates with notified minimum qualifications and marks in selection procedure lowered to the extent necessary.

(f) A provisional appointment chart, at the time of each advice, showing separately the candidates eligible to be selected on open competition basis and candidates eligible to be selected on reservation turns including details of non joining duty, no candidate available vacancies, and forfeited reservation turn vacancies pending, if any, to be compensated shall be published:

* Published in the Kerala Gazette Extraordinary No. 541 dated 8th March, 2006.

Provided that a final appointment chart shall be published at the end of the selection year showing the candidates selected on open competition basis and selected on reservation quota.

Note: - 'Appointment Chart' for the purpose of this rule shall mean the list showing the details of candidates advised based on merit and another list of candidates advised based on reservation showing their community, group of communities, turn, vacancy details such as non joining duty, no candidates available, temporarily passed over etc.";

(2) for rule 15,---

the following rule shall be substituted namely: -

"15(a) The integrated cycle combining the rotation in clause (c) of rule 14 and the sub-rotation in sub-rule (2) of rule 17 shall be as specified in the Annexure to this part. Notwithstanding anything contained in any other provisions of these rules or in the special rules if a suitable candidate is not available for selection from any particular community or group of communities specified in the Annexure, such vacancy shall be kept unfilled, notified separately for that community or group of communities for that selection year and shall be filled by direct recruitment exclusively from among that community or group of communities. If after re-notification, repeatedly for not less than two times, no suitable candidate is available for selection from the respective community or group of communities, the selection shall be made from available Other Backward Classes candidates. In the absence of Other Backward Classes candidates, the selection shall be made from available Scheduled Castes candidates and in their absence, the selection shall be made from available Scheduled Tribes candidates.

Explanation: - One 'selection year' for the purpose of this rule shall be the period from the date on which the rank list of candidates comes in to force to the date on which it expires.

Note: - All pending uncompensated turns of vacancies such as temporarily passed over, no candidate available and non-joining duty as on the 2nd February, 2006, shall be compensated.

(b) If a suitable candidate is not available for selection from the group of communities classified as "Scheduled Castes" in the turn allotted from such group in the Annexure, the said group shall be passed over and the post shall be filled up by a suitable candidate from the group of communities classified "Scheduled Tribes" and vice versa.

(c) The benefit of the turn forfeited to Scheduled Castes or Scheduled Tribes communities by reason of it being passed over under sub-rule (b) shall be restored to it at the earliest possible opportunity, if a suitable candidate from that particular community or group is available for selection by making adjustment against the claims of the Scheduled Caste or Scheduled Tribe community that derived the extra benefit by reason of such passing over.

(d) Reservation to a category of posts shall not exceed 50% of the total number of vacancies for which selection is resorted to in a selection year:

Provided that the 50% ceiling to reservation specified above shall not apply to the filling up of any number of reserved vacancies kept unfilled and notified separately as per sub-rule (a) of rule 15 to be filled exclusively by direct recruitment from among a community or group of communities:

Provided further that such class of vacancies to be filled up in that year or in any succeeding year or years shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of 50% of the total number of vacancies of that year."

By order of the Governor,

MOHAMMAD RIAZUDDIN,
Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As part of the decision related to Narendran Commission Report, in G. O. (P) No. 8/2006/SCSTDD dated 2nd February, 2006, Government have decided to amend the rules in the Kerala State and Subordinate Service Rules, 1958 with a view to ensure adequate representation of Backward Classes and also to avoid loss of representation of the communities who have reservation in appointments made through Kerala Public Service Commission/Selection Authority. The orders in the above G. O. in so far it relates to reservation in appointments are to be given statutory validity.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 5270/RI/06/P&ARD.

Dated, Thiruvananthapuram, 19th July, 2006.

Sub: Public Service-- Departmental Promotion Committee-- Rule 28 (b) (i) (4) of the Kerala State and Subordinate Services Rules, 1958
Observance of the Procedure - Instructions--Issued.

Ref: Circular No. 12409/Rules 1/2003/P & ARD dated 14-8-2003.

As per Rule 28 (b) (i) (4) of the Kerala State and Subordinate Services Rules, 1958 the Departmental Promotion Committee has to meet periodically to prepare select list in the order of merit of the officers selected for appointment. The committee may also hold ad hoc meetings for the purpose of making selection whenever vacancies arise. Eventhough, all Heads of Departments and Secretaries to Government have been given directions in this regard as per the circular under reference, there are instances where promotions are delayed as the Departmental Promotion Committees could not be held in time.

It has come to the notice of the Government that in many Departments, the Departmental Promotion Committee meetings are not convened in time. The Chief Minister has answered in a Legislative Assembly Interpellation that a circular will be issued stating that non-convening of Departmental Promotion Committee in time will be treated as dereliction of duty of the concerned. (Copy of the answer given to the Legislative Assembly for unstarred Interpellation No. 809 on 27-6-2006 is enclosed).

In the above circumstances, all Heads of Departments and Secretaries to Government are again directed to observe strictly the instructions under Rule 28 (b) (i) (4) of Kerala State and Subordinate Services Rules, 1958 for convening the Departmental Promotion Committee and to prepare the select lists. Non-observance of rules and circular instructions in this regard will be viewed seriously and action will be taken against those who are responsible for any lapse.

DHARAM VELR,
Principal Secretary.

പത്രങ്ങളാം കേരള നിയമസഭ

ഒന്നാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നമുള്ള ചോദ്യം നമ്പർ 809 27-6-2006-ൽ മറുപടിക്ക്

ഡി. പി. സി. റിസ്ക്

ചോദ്യം

ഉത്തരം

ശ്രീ. അരുഹോൺസ് കണ്ണത്താനം എം. എൽ. എ.
പ്രൊഫ. സി. രവീന്ദ്രനാഥ്, എം. എൽ. എ.
ശ്രീ. കെ. കുഞ്ഞമ്മത്ത് മാസ്റ്റർ, എം. എൽ. എ.
ശ്രീ. കെ. കെ. ദിവാകരൻ, എം. എൽ. എ.
ശ്രീ. എ. സി. മൊയ്തീൻ, എം. എൽ. എ.

ശ്രീ. വി. എസ്. അച്യുതാനന്ദൻ
ബഹു. മുഖ്യമന്ത്രി

(എ) പല വകുപ്പുകളിലും ഡിപ്പാർട്ടുമെന്റൽ പ്രമോഷൻ കമ്മിറ്റികൾ യഥാസമയം യോഗം ചേർന്ന് പ്രമോഷൻ അർഹതയുള്ളവരുടെ റിസ്ക് പ്രസിദ്ധീകരിക്കാത്തതുമൂലമുള്ള

(എ) + (ബി)
ഡി. പി. സി. യഥാസമയം കൂടി റിസ്ക് പ്രസിദ്ധീകരിക്കുന്നതിന് വ്യക്തമായ നിർദ്ദേശം എടുക്കാ

ബുദ്ധിമുട്ട് ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ? എങ്കിൽ ഇക്കാര്യം പരിഹരിക്കുന്നതിന് ആവശ്യമായ നിർദ്ദേശം നൽകുമോ :

വകുപ്പ് മേധാവി ക്ഷയം 14-3-2003-ലെ 12409/റൂൾസ് 1/2003/പി ആന്റ് എ. ആർ.ഡി. സർക്കാർ പ്രകാരം നൽകിയിട്ടുണ്ട്. എന്നിരുന്നാലും ഡി.പി.സി. കൃത്യമായി കൂടാതിരിക്കുന്നത് കൂടുതലായ അനാസ്ഥയായി കണക്കാക്കുന്നത് കണ്ടിച്ച് സർക്കാർ നൽകുന്നതാണ് റദ്ദാക്കലിന് മുമ്പേയ്ക്ക് മാത്രം ഇതുവരുടെ കാര്യത്തിൽ പ്രത്യേക പരിഗണന നൽകി ഡി.പി.സി. വിന്റു് ഇല്ലെങ്കിലും പ്രമോഷൻ നൽകി വരുന്നു.

(ബി) ഡി.പി.സി. വിന്റു് ഇല്ലാത്തതിന്റെ പേരിൽ പ്രമോഷൻ നഷ്ടപ്പെടുന്നത് തടയാൻ നടപടി സ്വീകരിക്കുമോ :

(സി) ഡി. പി. സി. വിന്റു് തയ്യാറാക്കുന്നതിനെ മുഖ്യനിർണ്ണയ രീതിയിൽ എന്തെങ്കിലും മാറ്റം വരുത്താൻ ഉദ്ദേശിക്കുന്നുണ്ടോ ; വിശദമാക്കുമോ ?

ഇക്കാര്യത്തിൽ പുതിയ നിർദ്ദേശങ്ങൾ ഇപ്പോൾ പരിഗണനയിലില്ല.

(ഒപ്പ്)

സെക്ഷൻ ഓഫീസർ.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 11918/R1/06/P&ARD.

Dated, Thiruvananthapuram, 30th June, 2007.

Sub:- Public Service - Confidential Report - Issuance of acknowledgment Reg.

Ref:- (1) Circular No. 69265/M1/1976/PD dated 8-7-1976.

(2) G. O. (P) No. 24/2003/P&ARD dated 14-8-2003.

As per Rule 28 (b) (i) (4) of the Part II of the Kerala State and Subordinate Services Rules, 1958, Confidential Reports of the officers for the last preceding three years shall be made available to the Departmental Promotion Committee for

assessing the merit and ability of an officer. It is the responsibility of the reporting officer to ensure that the Confidential Reports are written in time in respect of the officers working under him.

It has also come to the notice of Government that in some Departments, the Confidential Reports submitted by the officers are lost from the offices of the Heads of the Departments and thus it causes much difficulty to the officers concerned in getting their promotion in time for want of Confidential Reports. In order to prevent occurrence of such instances, it has been decided that acknowledgement is to be given as and when Confidential Reports are submitted for reporting/review. Heads of Departments and Secretaries to Government are directed to ensure implementation of this instruction.

Non observance of instructions in this regard will be viewed seriously and action will be taken against those who are responsible for any such lapses.

LIZZIE JACOB,
Chief Secretary.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 11919/R1/06/P&ARD. Dated, Thiruvananthapuram, 14th March, 2007.

Sub: -Public Service — Departmental Promotion Committee- Rule 28 (b) (i) (4) of the Kerala State and Subordinate Services Rules, 1958--
Observance of the Procedure—Further instructions- Issued.

- Ref:-* 1. Circular No.5328/Rules 1/99/P&ARD dated 3-6-1999.
2. Circular No. 12409/Rules 1/2003/P&ARD dated 14-8-2003.
3. Circular No. 5270/R1/06/P&ARD dated 19-7-2006.

As per Rule 28 (b) (i) (4) of the Kerala State and Subordinate Services Rules, 1958, the Departmental Promotion Committee has to meet periodically to prepare select list in the order of merit of the officers selected for

appointment. The Committee may also hold ad hoc meetings for the purpose of making selection whenever vacancies arise. Even though, all Heads of Departments and Secretaries to Government have been given directions in this regard as per the circulars under reference, there are instances where promotions are delayed as the Departmental Promotion Committees could not be held in time.

It has come to the notice of Government that in many Departments, the Departmental Promotion Committee meetings are not convened in time.

In the above circumstances, all Heads of Departments and Secretaries to Government are hereby again directed to observe strictly the instructions under Rule 28 (b) (i) (4) of Kerala State and Subordinate Services Rules, 1958 for convening the Departmental Promotion Committee and to prepare the select lists in time. In very hard and genuine cases of promotion where the incumbents are to retire within a period of six months and where there is not a large number of seniors to be promoted, promotions may be given in relaxation of the ban on provisional promotion. The Administrative Department concerned will examine each such cases on merit and circulate the file to Chief Minister for orders.

Non observance of rules and circular instructions in this regard will be viewed seriously and action will be taken against those who are responsible for any such lapses.

DR. DHARAM VEER,
Principal Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 3/2007/P&ARD. *Dated, Thiruvananthapuram, 25th June, 2007.*

S. R. O. No. 552/2007.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Service Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala and Subordinate Services Rules, 1958, namely : -

* Published in the Kerala Gazette Extraordinary No. 1188 dated 25th June, 2007.

RULES

1. *Short title and commencement.* - (1) These rules may be called the Kerala State and Subordinate Service (Amendment) Rules, 2007.

(2) They shall be deemed to have come into force on the 22nd February, 2006.

2. *Amendment of the rules.* - In Rule 28, Part II of the Kerala State and Subordinate Service Rules, 1958, after clause (ii) of sub-rule (a), the following clause shall be added, namely : -

“(iii) Notwithstanding anything contained in these Rules or in the Special Rules/Executive Orders, the period of probation for persons appointed by direct recruitment or recruitment by transfer through Public Service Commission shall be two years on duty within a continuous period of three years and for persons appointed in a post or category from another post or category in the same service or appoints by transfer from one service to another within the same Department or in another Department (where direct recruitment is not resorted to) shall be one year on duty within a continuous period of two years.”

By order of the Governor,

DR. DHARAM VEER,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

As per G. O. (Ms.) No. 188/66/PD dated 6th May, 1966, every person appointed to a category by direct recruitment or by recruitment by transfer from any other service shall be on probation for a total period of two years on duty within a continuous period of three years. In the case of appointment by promotion, every person shall be on probation for a total period of one year on duty within a continuous period of two years. Since many higher posts are lying vacant, due to the insistence of probation of two years on duty in posts appointed by transfer, Government have issued Executive Orders in G. O. (P) No. 5/2006/P&ARD dated 22-2-2006 to reduce the probation period to one year in the case of appointment from another category in the same service or appointed by transfer from one service to another within the same Department or in another Department. The orders are to be given statutory validity.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 7235/R1/2007/P&ARD. *Dated, Thiruvananthapuram 23rd June, 2007.*

*Sub:--*Public Service-- Departmental Promotion Committee Preparation of Seniority Lists—Instructions issued.

- Ref:--*
1. Circular No. 5328/Rules 1/99/P&ARD dated 3-6-1999.
 2. Circular No. 12409/Rules 1/2003/P&ARD dated 14-8-2003.
 3. Circular No. 5270/R1/06/P&ARD dated 19-7-2006.
 4. Circular No. 11919/R1/06/P&ARD dated 14-3-2007.
 5. Letter No. SSI(2) 419/2000 dated 25-4-2007 from the Secretary, Kerala Public Service Commission.

As per Rule 28 (b) (i) (4) of the Kerala State and Subordinate Services Rules, 1958, the Departmental Promotion Committee has to meet periodically to prepare select list in the order of merit of the officers selected for appointment. The Committee may also hold ad hoc meetings for the purpose of making selection whenever vacancies arise.

As per the letter under reference 5 above, the Kerala Public Service Commission has brought to the notice of the Government that in some cases, the Convenors of the Departmental Promotion Committee (either Head of Department or Secretary to Government) do not produce finalised updated seniority lists. Besides, the Chairmen of the Departmental Promotion Committees do not get the copies of the select lists published by the Government.

In the above circumstances, all Heads of Departments and Secretaries to Government who are Convenors of the Departmental Promotion Committee are requested to submit the finalised seniority lists with notes for the Departmental Promotion Committee one week before the commencement of Departmental Promotion Committee and to send copies of select lists to the Kerala Public Service Commission and the Chairman of the Departmental Promotion Committee, as and when published.

DR. DHARAM VEER,
Principal Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 14829/RI/2007/P&ARD. *Dated, Thiruvananthapuram, 4th July, 2008.*

Sub: Public Services - Probation to the posts to which the method of appointment is by transfer - Period of probation - Clarification issued.

Ref: 1. G. O. (P) No.5/2006/P&ARD dated 22-2-2006.

2. Notification No. G. O. (P) 3/07/P&ARD, dated 25-6-2007 issued as S.R.O. No. 552/07.

The following clause had been added to Rule 28 of Part II, Kerala State and Subordinate Service Rules, 1958, after clause (ii) of sub-rule (a) as per G. O. (P) 3/07/P&ARD dated 25-6-2007 published as S. R. O. No. 552/2007 in Kerala Gazette Extraordinary dated 25th June, 2007 :-

"(iii) Notwithstanding anything contained in these rules or in the Special Rules/Executive Orders, the period of probation for persons appointed by direct recruitment or recruitment by transfer through Public Service Commission shall be two years on duty within a continuous period of three years and for persons appointed in a post or category from another post or category in the same service or appointed by transfer from one service to another within the same Department or in another Department (where direct recruitment is not resorted to) shall be one year on duty within a continuous period of two years".

The above mentioned clause was given retrospective effect from 22-2-2006.

Certain Departments have since raised doubt as to whether the G. O. 1st cited (and the notification under reference) are applicable in a case where a person is appointed by transfer, prior to the issuance of the G. O. to a post to which direct recruitment is not one of the methods of appointment and the person so appointed has not completed the probation period of two years on duty within a continuous period of three years as on the date of issue of the order. Clarification is also being sought as to whether the probation of the incumbents can be declared to have been completed with effect from the date on which they completed one year duty in such cases and so on.

In the above circumstances, Government wish to clarify that in the case of persons appointed by transfer, prior to 22-2-2006, to posts where direct recruitment is not one of the methods of appointment and placed on probation for a period of two years on duty within a continuous period of three years as prescribed in the respective Special Rules/Executive Orders and if the persons so appointed had not completed two years duty as on 21-2-2006, the incumbents shall be deemed to have completed their period of probation, -

- (1) with effect from the F. N. of 22-2-2006, if they had already satisfactorily completed one year duty within a continuous period of two years before 22-2-2006 and if they were otherwise eligible;
- (2) with effect from the F. N. of the day following the day on which the incumbents completed one year duty if they satisfactorily completed one year duty only on or after 22-2-2006 and if they were otherwise eligible.

DR DHARAM VEER,
Principal Secretary.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 4503/RI/2008/P&ARD. *Dated, Thiruvananthapuram, 15th September, 2008.*

Sub:—Public Services—Banning of temporary promotions under Rule 31 (a) (i) of Kerala State and Subordinate Services Rules, 1958.—Further Instructions issued.

- Ref:—*1. Circular No. 19305/Rules 1/96/P&ARD dated 9-9-1997.
2. Circular No. 5328/Rules 1/99/P&ARD dated 3-6-1999.
3. Circular No. 11919/RI/06/P&ARD dated 14-3-2007.

Government have banned temporary promotions under Rule 31 (a) (i) of Kerala State and Subordinate Services Rules, as per the Circular 1st cited. In the Circular 2nd cited, Government have ordered that in very hard and genuine cases

of promotions where the incumbents are to retire within a period of six months and where there is not a large number of seniors to be promoted, promotions may be given in relaxation of the ban on provisional promotion. It was also ordered that the concerned Administrative Department will examine each such case on merits and circulate the file to Chief Minister for taking orders, before issuing formal orders. It has also been clarified further that the non observance of rules and circular instructions in this regard will be viewed seriously and action will be taken against those who are responsible for any such lapses.

2. Though the ban on provisional promotions is in force it has come to the notice of Government that such promotion orders are being issued on a large scale by the Heads of Departments without specifying whether the orders are issued in accordance with the provisions of Circular 1st and 2nd cited. Since most of the orders are issued at the time of retirement of the Officers, the Accountant General (A&E) is also forced to issue pay slips to the Gazetted Officers before obtaining clarification as to whether the conditions of granting provisional promotion have been satisfied or not, so as to avoid hardship to the officers concerned.

3. In the circumstances, all Heads of Departments and Secretaries to Government are requested to observe strictly the instructions contained in all the Circulars 1st, 2nd and 3rd cited without any lapse.

4. If there are exceptional cases where promotions are to be given in relaxation of the ban, it should be recorded in all the orders issued for all provisional promotions that such promotions are issued in accordance with the provisions contained in the above mentioned circulars.

5. Non observance of rules and circular instructions in this regard will be viewed seriously and action will be taken against those who are responsible for any such lapses.

DR. AJAY KUMAR,
Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 13544/RI/09/P&ARD. *Dated, Thiruvananthapuram, 8th December, 2009.*

Sub: --Public Services - Departmental Promotion Committee Rule 28(b) (i) of Part II, Kerala State and Subordinate Services Rules Observance of the Procedure -- Instructions--Issued.

Ref:-- 1. Circular No. 12409/Rules 1/2003/P&ARD dated 14-8-2003.

2. Circular No. 5270/RI/06/P&ARD dated 19-7-2006.

3. Circular No. 11919/RI/06/P&ARD dated 14-3-2007.

4. G. O. (P) No. 154/09/Fin. dated 24-4-2009.

Rule 28 (b) (i) of Part II, Kerala State and Subordinate Services Rules, 1958, stipulates the procedure for convening the Departmental Promotion Committee and preparation of Select Lists. Consequent upon the unification of retirement date as 31st March, one perceptible difference is that there will not be occasional arising of vacancies throughout the year and the vacancies will arise cumulatively on 1st of April every year.

2. As per sub-clause 4 (a) under Rule 28 (b) (i), though it is insisted that Select List shall be prepared for the estimated number of vacancies in the next calendar year, it has not been insisted as a strict procedure as evident from clause (iA) to Rule 28 (b) (i). As a result of this, there is no uniformity in the preparation of Select List as certain departments prepare Select List for the estimated vacancies whereas the others prepare the Select List after the occurrence of the vacancies. If this practice is continued in the changed circumstances evolved from the unification of retirement age, i.e., preparing the Select List after the occurrence of vacancies as being done in some departments, promotion chances of a large number of employees would be adversely affected as the vacancies would arise cumulatively in April. Therefore, it is an emergent necessity in the changed circumstance that preparation of Select List for the estimated vacancies as insisted in Rule 28 (b) (i) 4 (a), is strictly followed, instead of preparing it after the occurrence of vacancies. If the Departmental Promotion Committee could not

be held in time, eligible promotion to the employees would be delayed and it will adversely affect the smooth functioning of offices and thereby the entire administration.

3. In order to minimize the hardships in this regard, all Heads of the Departments and Secretaries to Government are directed to take appropriate steps for convening the Departmental Promotion Committee and for the preparation of Select Lists well before April so as to issue the Promotion Orders in due time. They should ensure that the convenience of the Chairman of the Departmental Promotion Committee is ascertained sufficiently early and the date of meeting intimated to the Chairman and members of the Departmental Promotion Committee 15 days in advance. They should also ensure that all eligible employees are given promotion in time based on the available vacancies. It should also be ensured that Ad hoc meetings are held by the Departmental Promotion Committee for preparing Select Lists to fill up any vacancy that may arise after the preparation of Select Lists.

4. Non observance of rules and orders/instructions issued in this regard will be viewed seriously and action will be taken against those who are responsible for any lapse in this regard.

TEEKA RAM MEENA,
Secretary to Government.

GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—EXAMINATION CONDUCTED BY THE KERALA PUBLIC SERVICE
COMMISSION FOR RECRUITMENT— PROVIDING OF XEROX COPY OF THE
OMR ANSWER SCRIPT TO CANDIDATES ON REQUEST
PROCEDURE PRESCRIBED— ORDERS ISSUED

PERSONNEL AND ADMINISTRATIVE REFORMS (RULES) DEPARTMENT

G. O. (P) No. 3/2009/P&ARD. Dated, Thiruvananthapuram, 7th April, 2009.

Read:— Letter No. AV(3)/31262/2004/GW dated, 16-10-2004 and 17-8-2008
from Secretary, Kerala Public Service Commission.

ORDER

The Kerala Public Service Commission have decided to make available the Xerox copies of the OMR answer script to candidates on request and upon payment of fee so as to have transparency in examination process. Accordingly, the Secretary, Kerala Public Service Commission, has addressed Government to accord sanction for providing the Xerox copies of the OMR answer script to candidates on request and upon payment of Rs. 200 (Rupees Two hundred only) as fee for each answer script.

Government have examined the matter in detail and agree to the proposal of Kerala Public Service Commission and Government are pleased to order that Xerox copies of OMR answer scripts shall be made available to the candidates by the Commission on request and subject to payment of a fee of Rs. 200 (Rupees Two hundred only) for the answer script as specified in the request application by crediting the said amount to the Head of Account "0051-PSC-800-Other receipts-99-Other receipts". The candidate shall prefer separate application for each answer script.

Necessary amendment to Rule 4 of Part II, Kerala State and Subordinate Services Rules, 1958 will be issued separately.

By order of the Governor,

DR. DHARAM VEF,
Principal Secretary to Government

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION

G. O. (P) No. 13/2009/P&ARD. Dated, Thiruvananthapuram, 30th September, 2009.

S. R. O. No. 848/2009.—In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with Section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2009.

(2) They shall come into force at once.

2. *Amendment of the rules.*—(1) In Part I of the Kerala State and Subordinate Services Rules, 1958, in the Schedule, for List I and List II, the following Lists shall be substituted, namely:—

“LIST I

SCHEDULED CASTES IN THE KERALA STATE

1. Adi Andhra
2. Adi Dravida
3. Adi Karnataka
4. Ajila
5. Arunthathiyar
6. Ayyanavar
7. Baira
8. Bakuda
9. Bathada
10. Bharathar (other than Parathar), Paravan

11. Chakkiliyan
12. Chamar, Muchi
13. Chandafa
14. Cheruman
15. Domban
16. Gosangi
17. Hasla
18. Holcya
19. Kadaiyan
20. Kakkalan, Kakkan
21. Kalladi
22. Kanakkan, Padanna, Padannan
23. Kavara (other than Telugu speaking or Tamil speaking Balija. Kavarai, Gavara, Gavarai, Gavarai Naidu, Balija Naidu, Gajalu Balija or Valai Chetty).
24. Koosa
25. Kootan, Koodan
26. Kudumban
27. Kuravan, Sidhanar, Kuravar, Kurava, Sidhana
28. Maila
29. Malayan [in the areas comprising the Malabar District as specified by sub-section (2) of section 5 of the State Reorganization Act, 1956 (37 of 1956)]
30. Mannan, Pathiyan, Perumannan, Vannan, Velan
31. Moger (other than Mogeyar)
32. Mundala
33. Nalakeyava
34. Nalkadaya
35. Nayadi
36. Pallan
37. Pulluvan

38. Pambada
39. Panan
40. Paraiyan, Parayan, Sambavar, Sambavan, Sambava, Paraya, Paraiya, Parayar
41. Pulayan, Cheramar, Pulaya, Pulayar, Cherama, Cheraman, Wayanad Pulayan, Wayanadan Pulayan, Matha, Maiba Pulayan
42. Puthirai Vannan
43. Rancyar
44. Samagara
45. Samban
46. Semnian, Chenunan, Chemmar
47. Thandan
48. Thoti
49. Vallon
50. Valluvan
51. Vetan
52. Vettuvan, Pulaya Vettuvan (in the areas of erstwhile Cochin State only)
53. Nerian.

LIST II

SCHEDULED TRIBES IN THE KERALA STATE

1. Adiyen
2. Arandan, Aranadan
3. Eravallan
4. Hill Pulaya, Mala Pulayan, Kurumba Pulayan, Karavazhi Pulayan, Pamba Pulayan
5. Irular, Irulan
6. Kadar, Wayanad Kadar
7. Kanikaran, Kanikkar

8. Kattunayakan
9. Kochuvelan
10. Koraga
11. Kudiya, Melakudi
12. Kurichchan, Kurichiyan
13. Kurumans, Mullu Kuruman, Mulla Kuruman, Mala Kuruman
14. Kurumbas, Kurumbar, Kurumban
15. Maha Malasar
16. Malai Arayan, Mala Arayan
17. Malai Pandaram
18. Malai Vedan, Malavedan
19. Malakkuravan
20. Malasar
21. Malayan, Nattu Malayan, Konga Malayan (excluding the areas comprising the Kasargode, Cannanore, Wayanad and Kozhikode Districts)
22. Malayarayar
23. Mannan (to be spelt in Malayalam Script in parenthesis) (മ്മന്നൻ)
24. Muthuvan, Mudugar, Muduvan
25. Palleyan, Palliyan, Palliyar, Paliyan
26. Paniyan
27. Ulladan, Ullatan
28. Uraly
29. Mala Vettuvan (in Kasargode and Kannur Districts)
30. Ten Kurumban, Jenu Kurumban
31. Thachanadan, Thachanadan Moopan
32. Choianaickan
33. Mavilan
34. Karimpalan
35. Vetta Kuruman
36. Mala Panickar."

By order of the Governor,

TEJKA RAM MEENA,
Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

The Government have decided to amend the list of Scheduled Castes and Scheduled Tribes as applicable to the Kerala State and Subordinate Services Rules, 1958, in view of the changes brought about by the Constitution (Scheduled Castes) Orders (Second Amendment) Act, 2002 (Central Act 61 of 2002) and the Scheduled Castes and Scheduled Tribe Orders (Amendment) Act, 2002 (Central Act 10 of 2003).

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA**Personnel and Administrative Reforms (Rules) Department****NOTIFICATION**

G. O. (P) No.14/2009/P&ARD. *Dated, Thiruvananthapuram, 5th October, 2009.*

S. R. O. No. 849/2009. -In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2009.

(2) They shall be deemed to have come into force on the 4th day of January, 2006.

2. *Amendment of the Rules.* In Part II of the Kerala State and Subordinate Services Rules, 1958, in clause (i) of sub-rule (b) of Rule 28, in sub-clause (4) item (c) and the entries against it shall be omitted.

By order of the Governor,

TEJKA RAM MEENA,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Moderation Committee to review the performance appraisals of Deputy Secretaries, Joint Secretaries and Additional Secretaries in the Secretariat as constituted in G. O. (P) No. 158/78/P&ARD dated 22-3-1978 and modified in G. O. (P) No. 23/79/P&ARD dated 31-8-1979 and G. O. (P) No. 13/2001/P&ARD dated 17-9-2001 stands dispensed with as per the orders issued by Government as per G. O.(P) No. 1/2006/P&ARD dated 4th January, 2006. As such the existing procedure of the calendar of Departmental Promotion Committee stipulating that the Moderation Committee will be convened during the months of July/August has no relevance now. Government have decided to amend the Kerala State and Subordinate Services Rules, 1958 suitably to give effect statutory validity.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION *

G. O. (P) No.16/2009/P&ARD. *Dated, Thiruvananthapuram, 8th October, 2009.*

S. R. O. No. 867/2009. In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely: -

RULES

1. *Short title and commencement:* (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2009.

* Published in the Kerala Gazette Extraordinary No.1931 dated 20th October, 2009.

(2) They shall be deemed to have come into force on the 31st day of December, 2002.

2. *Amendment of the Rules.* -- In Part II of the Kerala State and Subordinate Services Rules, 1958, for Rule 4, the following rule shall be substituted, namely:

“4. Every candidate for appointment to any service or for admission to any suitability/eligibility test, whether a member of a service or not, who in response to a notification issued by the Commission makes an application, shall make such application in the form printed and distributed under the authority of the commission. The cost of such application shall be Rs. 5 (Rupees five only) for Scheduled Castes and Scheduled Tribes candidates and Rs. 10 (Rupees ten only) for all other candidates.”

By order of the Governor,

TEEKA RAM MEENA,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

With a view to minimize the pendency of applications in Kerala Public Service Commission, the Secretary, Kerala Public Service Commission has forwarded a proposal to Government for the standardization of application forms and to fix a reasonable price as cost per application form, considering the cost of printing and supply of application forms. The Government have accepted the proposal and decided to make suitable amendment to the Kerala State and Subordinate Services Rules, 1958.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 13544/R1/09/P&ARD. *Dated, Thiruvananthapuram, 4th February, 2010.*

Sub: Public Services Departmental Promotion Committee Rule 28 (b) (i) of Part II, Kerala State and Subordinate Services Rules
Observance of the procedure – Further Instructions--Issued.

Ref: Circular No. 13544/Rules I/2009/P&ARD dated 8-12-2009.

In partial modification to the instructions issued vide Circular read above, it is instructed that the last sentence in para 3 of the Circular namely "It should also be ensured that Ad hoc meetings are held by the Departmental Promotion Committee for preparing Select Lists to fill up any vacancy that may arise after the preparation of Select Lists" shall be substituted by the following:

"In case where an officer becomes qualified after the preparation of Select List but before the date of occurrence of the vacancy, it should also be ensured that Ad hoc meeting of the Departmental Promotion Committee is held in time by following the procedure laid down in Rule 28 (b) (i) (11) of Part II, Kerala State and Subordinate Services Rules".

TEJKA RAM MEENA,
Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 2/2010/P&ARD. *Dated, Thiruvananthapuram, 19th February, 2010.*

S. R. O. No. 213/2010.-- In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala, hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:--

* Published in the Kerala Gazette Extraordinary No. 489 dated 4th March, 2010.

RULES

1. *Short title and commencement.* (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2010.

(2) They shall come into force at once.

2. *Amendment of the Rules.* - In the Kerala State and Subordinate services Rules, 1958, in Part II, in Rule 5, for Note (2), the following note shall be substituted, namely: -

“(2) The vacancies on account of leave and deputation with a duration of less than six months shall be treated as vacancies of short duration, provided, such vacancies with a duration of three months to six months should not be treated as vacancies of short duration, if the vacancies are likely to last long or new vacancies are likely to arise”.

By order of the Governor,

T. J. MATHEW,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per the instructions in para 1 (iii) of the Circular No. 1634/Adv.C3/99/P&ARD dated 18th February, 1999 even vacancies of short duration that is three months or more, on account of leave or deputation are to be reported to the Public Service Commission. As per rule 5 (b) of Part II of the Kerala State and Subordinate Services Rules, 1958 a person shall be recruited direct only against a substantive vacancy which does not include a vacancy of short duration and as per Note (2) under rule 5 leave vacancies and vacancies of less than six months duration shall be treated as vacancies of short duration.

The Hon'ble High Court in its judgment dated 12th November, 2007 in W. P. (C) No. 23063 of 2007 directed the Government to take steps to remove the contradiction in the instructions in para 1 (iii) of the Circular No. 1634/Adv.C3/99/P&ARD dated, 18th February, 1999 and the provision in Note (2) under rule 5 part II, of the Kerala State and Subordinate Services Rules, 1958. Government have decided to make amendments to the Note (2) in rule 5 of Part II, of the Kerala State and Subordinate Services Rules, 1958 in accordance with the instructions to para I (iii) of the Circular dated, 18th February, 1999.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 3/2010/P&ARD. Dated, Thiruvananthapuram, 19th February, 2010.

S. R. O. No. 183/2010. - In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala, hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely: -

RULES

1. *Short title and commencement.* - (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2010.

(2) They shall come into force at once.

2. *Amendment of the Rules.* - In Part II of the Kerala State and Subordinate Services Rules, 1958, in clause (i) of Rule 28 (b), after sub-clause (13), the following sub-clause shall be inserted, namely: -

“(14) Notwithstanding anything contained under this rule, the Government may by order effect promotion/appointments by transfer notionally without monetary benefit of pay and allowances but with consequential pensionary benefits to a pensioner without having to follow the procedures such as preparation, publication and review of select list by convening the Departmental Promotion Committee, if it is found later on after his retirement that he would have become eligible at any time during the course of his service for being promoted or appointed to such posts, categories or grade in that service had due procedure according to the rule existing at that time or made applicable thereafter been followed at the appropriate time”.

By order of the Governor,

T. J. MAHEW,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Often seniority lists in feeder categories and selection posts are revised altering the seniority of officers already included in the select list for appointment to selection categories. Also notional promotions with retrospective effect have to be resorted to under judgments of courts.

In the case of pensioners who are eligible for consequent restoration of seniority in the appropriate selection categories, going through the entire procedure as per Rule 28 (b) (i), of the Kerala State and Subordinate Services Rules, 1958 repeatedly would be a futile exercise. So, it is decided that the State Government may order and effect notional promotions without adopting the procedure laid down in Rule 28 (b) (i) of the Kerala State and Subordinate Services Rules, 1958, in respect of such pensioners under specific terms and conditions. Government intends to give statutory validity to the above decision by making suitable provisions in the Kerala State and Subordinate Services Rules, 1958.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA**Personnel and Administrative Reforms (Rules) Department****NOTIFICATION***

G. O. (P) No. 6/2010/P&ARD. *Dated, Thiruvananthapuram, 4th March, 2010.*

S. R. O. No. 249/2010.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2010.

* Published in the Kerala Gazette Extraordinary No. 563 dated 10th March, 2010.

(2) They shall be deemed to have come into force on the 16th day of May, 2003.

2. *Amendment of the Rules.*—In Part II of Kerala State and Subordinate Services Rules, 1958, in sub-rule (c) of Rule 9, for the existing Explanation the following Explanation shall be substituted, namely:—

“Explanation.—For the purpose of this sub-rule, a physically handicapped person means a “person with disability” as defined in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Act No. 1 of 1996).”

By order of the Governor,

T. J. MATHEW,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Kerala Public Service Commission has advised the Government that the criteria to determine physically handicapped persons as laid down under rule 9 (c) of the Kerala State and Subordinate Services Rules, 1958 may be fixed as 40% disability as stipulated under The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Act No. 1 of 1996). Accordingly as per G. O. (P) No. 11/2003/P&ARD dated 16-5-2003, Government have clarified that persons with disabilities will be as defined in the person with disabilities (Equal Opportunities, Protection of Rights and full Participation) Act, 1995 (Act No. of 1996). In order to give statutory validity to the above Government Order suitable amendment has to be made to Rule 9 (c) of Part II of the Kerala State and Subordinate Services Rules, 1958.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 24/2010/P&ARD. Dated, Thiruvananthapuram, 2nd August, 2010.

S. R. O. No. 763/2010.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala, hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2010.

(2) They shall be deemed to have come into force on the 21st day of November, 2009.

2. *Amendment of the Rules.*—In the Kerala State and Subordinate Services Rules, 1958,—

(1) in Part I, in List III of the Schedule below ruled, under the sub-heading “I. Throughout the State”,—

(a) for item 49 and the entries against it, the following item and entries shall be substituted, namely:—

“49. Hindu Nadars”;

(b) after item 49 as so amended, the following item and entries shall be inserted, namely:—

“49A. Nadars included in S. I. U. C.”;

(c) for item 64 and the entries against it, the following item and entries shall be substituted, namely:—

“64. S. I. U. C. (excluding Nadars specified in item 49A)”;

(2) In Part II,—

(a) in rule 17,—

(i) in sub-rule (1),—

(ia) for item 4 and the entries against it, the following item and entries shall be substituted, namely:—

“4. Hindu Nadars”;

(ib) after item 4 as so amended, the following item and entries shall be inserted, namely:—

“4A. Nadars included in S. I. U. C.”;

(ii) in sub-rule (2),—

(iia) in clause (a),—

(i) in sub-clause (i), for the words, letters, figures and brackets “3 to Nadars (Hindu Nadars and Nadars included in S. I. U. C.)”, the words, letters and figures “1 to Hindu Nadars and 2 to Nadars included in S. I. U. C.” shall be substituted;

(ii) in sub-clause (ii), for the words, letters, figures and brackets “2 to Nadars (Hindu Nadars and Nadars included in S. I. U. C.)”, the words, figures and letters “1 to Hindu Nadars and 1 to Nadars included in S. I. U. C.” shall be substituted;

(iib) in clause (b),—

(i) in sub-clause (i),—

(ia) for item 15 and the entries against it, the following item and entries shall be substituted, namely:—

“15. Nadars included in S. I. U. C.”;

(ib) for item 24 and the entries against it, the following item and entries shall be substituted, namely:—

“24. Hindu Nadars”;

(ic) for item 32 and the entries against it, the following item and entries shall be substituted, namely:—

“32. Nadars included in S. I. U. C.”;

(ii) in sub-clause (ii),—

(iia) for item 15 and the entries against it, the following item and entries shall be substituted, namely:—

"15. Nadars included in S. I. U. C.";

(iib) for item 24 and the entries against it, the following item and entries shall be substituted, namely:

"24. Hindu Nadars";

(b) in the Annexure,

(i) under the heading "I. For direct recruitment to posts included in the Kerala Last Grade Service",

(a) for item 38 and the entries against it, the following item and entries shall be substituted, namely: -

"38. Nadars included in S. I. U. C.";

(b) for item 60 and the entries against it, the following item and entries shall be substituted, namely: -

"60. Hindu Nadars";

(c) for item 80 and the entries against it, the following item and entries shall be substituted, namely:

"80. Nadars included in S. I. U. C.";

(ii) the existing Explanation shall be numbered as "Explanation I" and below the Explanation I as so numbered, the following Explanation shall be inserted, namely: -

"Explanation II:- The short fall in reservation for 'Nadars included in S. I. U. C.' and 'Hindu Nadars' occurred in the advice by the Commission from the ranked lists published by the Commission on or after the 21st day of November, 2009 during the period commencing on and from the 21st day of November, 2009, to the date of publication of the Kerala State and Subordinate Services (Amendment) Rules, 2010 in the Gazette, i.e. till the date of commencement of this Explanation, shall be adjusted in the future vacancies without disturbing the advices already made";

(iii) under the heading "II. For direct recruitment to posts other than those included in the Kerala Last Grade Service",

(ia) for item 38 and the entries against it, the following item and entries shall be substituted, namely: -

"38. Nadars included in S. I. U. C.";

(ib) for item 60 and the entries against it, the following item and entries shall be substituted, namely:—

“60. Hindu Nadars”;

(ic) the existing Explanation shall be numbered as “Explanation I” and below the Explanation I as so numbered, the following Explanation shall be inserted, namely:—

“Explanation II:—The short fall in reservation for ‘Nadars included in S. I. U. C.’ and ‘Hindu Nadars’ occurred in the advice by the Commission from the ranked lists published by the Commission on or after the 21st day of November, 2009 during the period commencing on and from the 21st day of November, 2009 to the date of publication of the Kerala State and Subordinate Services (Amendment) Rules, 2010 in the Gazette, i.e. till the date of commencement of this Explanation, shall be adjusted in the future vacancies without disturbing the advices already made.”.

By order of the Governor,

T. J. MATHEW,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per G. O. (Ms.) No. 104/2009/SCSTDD dated 21st November, 2009, Government have issued orders for separate reservation to Hindu Nadars and Nadars included in S. I. U. C. for appointments to public service. For giving statutory validity to the above order, the Kerala State and Subordinate Services Rules, 1958 has to be amended accordingly.

This notification is intended to achieve the above purpose.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 11884/R1/07/P&ARD. *Dated, Thiruvananthapuram, 19th July, 2010.*

Sub: - Special Rules—Simplified procedure for framing and issuing
Special Rules—Consolidated instructions issued.

- Ref:*
1. Circular Memorandum No. 12438/R1/89/P&ARD dated 1-12-1990.
 2. G. O. (Ms.) No. 5/98/GAD dated 7-1-1998 issued as S. R. O. No. 15/1998.
 3. Circular Memorandum No. 2519/R1/98/P&ARD dated 7-5-1998.
 4. G. O. (Ms.) No. 1/2002/GAD dated 1-1-2002, issued as S.R.O. No. 1/2002.
 5. Circular Memorandum No. 19927/R1/2002/P&ARD dated 4-6-2003.
 6. Circular No. 1140/R1/2004/P&ARD dated 21-2-2004.
 7. U. O. Note No. 15194/Leg. Uni. 2/07/Law dated 4-8-2007.

1. As per the G. O. cited (2) above, Government have amended Part II of the Rules of Business and entrusted the subject of framing and issuing of Special Rules to the Administrative Department concerned in respect of the Departments which come under its administrative control. As per the G. O. cited (4), the requirement of placing the Special Rules before the Council of Ministers for approval has also been dispensed with. The Circular sixth cited was issued detailing the simplified procedure for framing and issuing Special Rules.

2. It has been observed that as per the instructions in para 250 of the Secretariat Office Manual, rule 59 of the Rules of Business and in Chapter 5 of the Law Department Manual, scrutiny of draft statutes, regulations and statutory rules, orders and notifications by the Law Department is mandatory and hence all Administrative Department should send the relevant files with sufficient details to Law Department for the purpose.

3. In the circumstances in modification of the Circular sixth cited, it is instructed that the following step by step procedure should be followed with regard to the framing and issue of Special Rules:

- (i) The Administrative Department will prepare the draft Special Rules in consultation with or on receipt of proposal from the Head of Departments.
- (ii) The next step is to discuss the draft Special Rules with the representatives of the common service organizations and other recognized service organizations, if any, in the department, at a meeting to which a representative of the Personnel and Administrative Reforms Department and Law Department will also be invited. The intimation regarding the discussion along with the draft rules should be sent to the Personnel and Administrative Reforms Department and to Law Department and the representatives of the service organizations concerned fifteen days before the proposed discussion so as to enable them to come prepared.
- (iii) Thereafter the file should be sent to Personnel and Administrative Reforms Department for scrutiny of the draft notification.
- (iv) The draft Special Rules should then be placed before a committee consisting of the following: (1) The Secretary of the Administrative Department (Chairman and Convener), (2) Secretary, Personnel and Administrative Reforms Department or his representative, (3) Law Secretary or his representative, (4) Head of the Department. The Administrative Department should send a copy of the draft Special Rules to the members of the committee at least fifteen days before the proposed meeting to provide sufficient time for scrutiny. The representative of the Personnel and Administrative Reforms Department will then offer the views of his/her department in the meeting itself.
- (v) Thereafter the file should be sent to the Law Department for scrutiny of the draft Special Rules.

- (vi) The Administrative Department should then refer the proposal to the Kerala Public Service Commission for advice. The draft of the letter forwarding the draft Notification to Kerala Public Service Commission shall be shown to Personnel and Administrative Reforms Department. After considering the advice of the Kerala Public Service Commission, the Administrative Department will finalise the draft Special Rules.
- (vii) The Administrative Department should then send the draft Special Rules to the concerned Subject Committee for consideration. After considering the recommendation, if any, of the Subject Committee, the Administrative Department will finalise the Special Rules. In case of special urgency like court directions having time-limit etc. the alternative procedure of issuing the Special Rules and simultaneously transmitting a copy of the same to the Subject Committee can be followed.
- (viii) The finalized draft Special Rules should then be approved and issued as an S. R. O. notification in the Gazette.
- (ix) It is not within the ambit of the above procedures to finalise matters which require separate decision and orders from Government, such as proposals in regard to creation of new category, grades, change in the status of the post, alternation of ratio/percentage of promotion/by-transfer etc.
- (x) 200 copies of the S. R. O. so issued shall be forwarded to the Secretary, Legislature Secretariat as soon as possible for being laid before the Legislative Assembly as required under Section 2(2) of Kerala Public Services Act, 1968.

T. J. MATHEW,

Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION*

G. O. (P) No. 36/2010/P&ARD. Dated, Thiruvananthapuram, 7th December, 2010.

S. R. O. No. 1153/2010.-- In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:--

RULES

1. *Short title and commencement.*---(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2010.

(2) They shall come into force at once.

2. *Amendment of the Rules.*--- In rule 2 of Part I of the Kerala State and Subordinate Services Rules, 1958, in List III of the Schedule, under the heading Other Backward Classes in the Kerala State, under the sub-heading 1. Through out the State,--

(1) for item 13 and the entries relating thereto, the following item and entries shall be substituted, namely:--

"13. Chetty/Chetties (Kottar Chetties, Parakka Chetties, Elur Chetties, Attingal Chetties, Pudukkada Chetties, Iraniel Chetties, Sri Pandara Chetties, Telugu Chetties, Udayamkulangara Chetties, Perookada Chetties, Sadhu Chetties, 24 Manai Chetties, Wynadan Chetties, Kalavara Chetties, 24 Mana Telungu Chetties, Moundadan Chetty and Edanadan Chetty)";

(2) for item 30 and the entries relating thereto, the following item and entries shall be substituted, namely:--

"30. Viswakarmas including Asari Chaptogra, Kallassari, Kalthachan, Kammala, Kamsala, Kannan, Karuvan, Kitaran, Kollan, Malayala Kammala, Moosari, Pandikammala, Pandithattan, Perumkollan, Thachan, Thattan, Vilkurup, Villasan, Viswabrahmanan or Viswabrahmanar, Viswakarmala and Palisa Perumkollan.";

* Published in the Kerala Gazette Extraordinary No. 2821 dated 13th December, 2010.

(3) for item 73 and the entries relating thereto, the following item and entries shall be substituted, namely: -

“73. Vecrasaivas (Yogis, Yogeeswara, Poopandaram/Maalapandaram, Jangam and Pandaram)”;

(4) after item 77, and the entries relating thereto, the following item and entries shall be added, namely: -

“78. Mahendra-Medara”

By order of the Governor,

T. J. MATHEW,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per G. O. (P) No. 55/2001/SCSTDD dated, 15th October, 2001, Government have issued orders including “Chetty” community in the List III of the Schedule to Part I of Kerala State and Subordinate Services Rules, 1958.

As per G. O. (Ms.) 69/2006/SCSTDD dated 24th November, 2006, Government have issued orders including “Moundadan Chetty” community in the List III of the Schedule to Part I of Kerala State and Subordinate Services Rules, 1958.

As per G. O. (Ms.) 70/2006/SCSTDD dated, 24th November, 2006, Government have issued orders including “Edanadan Chetty” community in the List III of the Schedule to Part I of Kerala State and Subordinate Services Rules, 1958.

As per G. O. (Ms.) 68/2006/SCSTDD dated, 24th November, 2006, Government have issued order including “Palisa Perumkollan” community in the List III of the Schedule to Part I of Kerala State and Subordinate Services Rules, 1958.

As per G. O. (Ms.) 48/2006/SCSTDD dated, 12th September, 2006, Government have issued orders including “Pandaram” community in the List III of the Schedule to Part I of Kerala State and Subordinate Services Rules, 1958.

As per G. O. (M s.) 47/2006/SCSTDD dated, 12th September, 2006, Government have issued orders including “Mahendra-Medara” community in the List III of the Schedule to Part I, Kerala State and Subordinate Services Rules, 1958.

In order to give statutory validity to the above executive orders, Government have decided to amend the Kerala State and Subordinate Services Rules, 1958 suitably.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—APPOINTMENT TO SELECTION POSTS--PERIOD OF PROBATION--
MODIFIED--ORDERS ISSUED

PERSONNEL AND ADMINISTRATIVE REFORMS (RULES) DEPARTMENT

G. O. (P) No. 42/2010/P&ARD. Dated, Thiruvananthapuram, 20th December, 2010.

- Read:--* (1) G. O. (Ms.) No. 188/66/PD dated 6-5-1966.
 (2) G. O. (P) No. 154/09/Tin. dated 24-4-2009.
 (3) G. O. (P) No. 261/09/Tin. dated 4-7-2009 (SRO No. 582/2009).
 (4) Circular No. 13544/R1/09/P&ARD dated 8-12-2009.
 (5) Representation dated 15-7-2010 from the General Secretary, FSETO.
 (6) Letter No. A V(3)32480/2010/GW dated 30-11-2010 from the Secretary, Kerala Public Service Commission.

ORDER

As per Government Order read as 2nd paper above the dates of retirement of all Government Employees and Teachers have been unified as 31st of March every year. Accordingly Rule 60(a) of Kerala Service Rules Part I has been amended vide Government Order read as 3rd paper above. As per the Circular read as 4th paper above Government have issued certain instructions for convening the Departmental Promotion Committee and for the preparation of Select Lists so as to ensure the timely promotion of the employees.

2. The General Secretary, FSETO vide representation read as 5th paper above has represented that the insistence of probation of one year within a continuous period of two years in the changed context of unification of retirement age may cause a situation whereby many selection posts will have to be kept vacant beyond 1st of April every year for want of qualified candidates. It, in turn, will adversely affect the smooth functioning of the Government Departments and hence it has been requested to fix the period of probation as six months for those appointed to the selection posts in the State Services by promotion.

3. Government have examined the matter in consultation with the Kerala Public Service Commission and are pleased to order that notwithstanding anything contained in the General Rules/Special Rules/Executive Orders, the period of probation for persons appointed to selection posts in the State Services by promotion and appointed thereto by transfer within the Department where Direct Recruitment is not one of the methods of appointment as per the Special Rules, shall be fixed as six months on duty within a continuous period of one year. This Order shall be applicable in the case of persons appointed on or after 1-4-2010 to the selection posts only in the State Service, either by promotion or by transfer within the Department where Direct Recruitment is not one of the methods of appointment.

4. The probation in respect of those who have been appointed to selection posts in the State Services prior to 1-4-2010 and have not put in one year duty within a continuous period of two years as on 1-4-2010, if they are otherwise eligible, shall be declared on completion of one year on duty within a continuous period of two years if the same is completed on or before 30-9-2010.

5. In the case of others who commenced probation prior to 1-4-2010, their probation shall be declared with effect from the day after the day on which they complete six months on duty within a continuous period of one year or with effect from 1-10-2010 whichever is later.

6. The period of probation applicable in respect of promotion in the subordinate services shall continue to be one year on duty within a continuous period of two years. The period of probation applicable to appointments by transfer in State and Subordinate Services where direct recruitment is one of the methods of appointment as per the Special Rules and also to appointments by Direct Recruitment shall continue to be two years on duty within a continuous period of three years.

7. Necessary amendment to Kerala State and Subordinate Services Rules, 1958 will be issued separately.

8. The Government Order read as first paper above stands modified to the above extent.

By order of the Governor,

T. J. MATHEW,
Secretary.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 3236/RI/2010/P&ARD. *Dated, Thiruvananthapuram, 21st December, 2010.*

*Sub:—P&AR Department—Attestation of true copies of original documents—
Instructions—Issued.*

It has come to the notice of the Government that no guidelines/Instructions are seen issued regarding attestation of true copies of original documents by officers of the State Services. In the circumstances, Government hereby authorize the Gazetted Officers of the State Service to attest true copies of original documents. They are also permitted to affix the office seal on the attested true copies.

T. J. MATHEW,
Secretary to Government.

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 16462/RI/10/P&ARD. *Dated, Thiruvananthapuram, 11th February, 2011.*

*Sub:—Public Services— Confirmation in Service—Further instructions—
Issued.*

- Ref:—*
1. Government Circular No. 8017/Rules I/91/P&ARD dated 22-4-1992.
 2. Government Circular No. 768/RI/04/P&ARD dated 12-5-2004.
 3. Government Circular No. 768/RI/04/P&ARD dated 15-7-2004.
 4. Government Circular No. 60/2004/Fin. dated 3-12-2004.
 5. Office Memorandum No. 18011/86-Estt.(C) dated 28-3-1985 of Government of India.
 6. Office Memorandum No. 18011/I/2010-Estt.(C) dated 30-8-2010 of Government of India.

Rule 24, Kerala State and Subordinate Services Rules, Part II, mandates that subject to the provisions of rule 8 therein an approved probationer shall be appointed to be a full member of service in the class or category for which he was selected at the earliest possible opportunity in any substantive vacancy which may exist or arise in the permanent cadre of such class or category and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from the date or as the case may be from any subsequent date from which he was continuously on duty as a member of the service in such class or category or in a higher class or category.

Mere regularization in service and completion of probation do not result in granting such confirmation automatically. For this purpose separate orders shall have to be issued under rule 24, Kerala State and Subordinate Services Rules, Part II, confirming an approved probationer in service in the class or category for which he was selected. It was, therefore, instructed by Government vide the Circulars First, Second, Third and Fourth cited that all Heads of Departments should take timely action to give confirmation to the employees as per rules.

But it has now come to the notice of Government that in spite of those clear instructions, confirmation of employees is delayed in many Departments due to administrative reasons which in turn has prompted the Hon'ble High Court in making the following observations on the subject in its judgment dated 26-7-2010 in O. P. No. 28079/1999(R).

"I am of the considered view that an observation is called for with respect to the inaction or disuse of power to issue order of confirmation. In fact, the failure to issue such orders of confirmation time and again leading to lien related litigations and in certain cases it leads to litigation between employees as well. Therefore, I take this opportunity to impress upon the Government the inevitability in using the powers to issue orders of confirmation of employees at the appropriate time. As already noticed above, in most of the cases, it is only the disuse of power rather the lapse on the part of the authority concerned to issue orders of confirmation at the appropriate stage that leads to lien related litigations. According to me, competent authorities have to bestow their attention to the said issue."

Non observance of the rules by Appointing Authority/Heads of the Departments led to many litigations and judgments regarding reappointment under Rule 8, Part II, Kerala State and Subordinate Services Rules. Therefore it is impressed upon all Heads of the Departments/Appointing Authorities that like regularization in service and declaration of probation, conferment of full membership of service (i.e., confirmation in service) is a statutory function to be performed by the appointing authorities. Hence all Heads of the Departments/Appointing Authorities are hereby directed to grant confirmation to the approved probationer in the class or category for which he was selected subject to availability of vacancy at the earliest possible opportunity, as required under rule 24, Kerala State and Subordinate Services Rules, Part II. without fail.

Non-observance of the above instructions will be viewed very seriously and stringent action will be taken against those responsible.

DR. P. PRABAKARAN,
Chief Secretary

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION

G. O. (P) No. 10/2011/P&ARD. *Dated, Thiruvananthapuram, 28th February, 2011.*

S.R.O. No. 184/2011.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala, hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2011.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—(1) In Rule 5A of Part II of the Kerala State and Subordinate Services Rules, 1958, the Annexure to Rule 5A may be deleted and in the proviso thereto the following shall be substituted, namely:—

“5A-Award of weightage marks in District-wise recruitments

Where the method of recruitment to any post of any Service class or category is by direct recruitment on district-wise basis, such candidate belonging to that district shall be given a weightage of 5 marks for the selection:

Provided that candidates who are eligible to get the above weightage marks shall produce a nativity certificate issued by a competent authority not below the rank of a Tahsildar of the concerned District as and when called for."

(2) The entire Annexure to Rule 5A in Part II Kerala State and Subordinate Service Rules, 1958, shall be deleted.

By order of the Governor,

T. J. MATHEW,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

A weightage of 5 marks was awarded to native candidates of each district in district-wise recruitment to Last Grade and Sub-clerical posts mentioned in the Annexure to Rule 5A. Kerala Public Service Commission has proposed that awarding 5 marks as weightage of those candidates who qualify for interview or become qualified to be included in the Ranked List alone is quite inadequate to do justice to the intention of Rule 5A. Candidates belonging to the backward districts fail to qualify as above and secure the weightage marks. So the Commission is of the view that natives of the districts are to be awarded weightage of 5 marks so as to enable them to qualify for interview or become qualified to be included in the Ranked List. Provided that candidates who are eligible to get the above weightage marks shall produce a nativity certificate issued by a competent authority not below the rank of a Tahsildar of the concerned district along with the application/as and when called for and that the Annexure to Rule 5A shall be deleted. Government accepted the proposal of Kerala Public Service Commission and decided to amend the Kerala State and Subordinate Services Rules, 1958 suitably for the purpose.

This notification is intended to achieve the above object.

NAME OF AGENTS APPOINTED FOR THE SALE OF GOVERNMENT PUBLICATIONS IN THE KERALA STATE

1. J. S. Paul and Sons, Cannanore
2. G. Vital Prabhu, News Agent, Manjeswar.
3. M/s K. R. Brothers. Calicut.
4. M/s Moulavi Book Depot, Kasargode.
5. Kottai Gopalan, Tellicherry.
6. M/s Touring Book Stall, Calicut.
7. M/s K. P. Ahmed Kunhi and Bros., Cannanore.
8. M/s George Press, Ottappalam
9. M/s Pallipat Stores, Irinjalakuda.
10. M/s St. Joseph's Press, Perinthalmanna
11. M/s Travancore Law House, Ernakulam
12. M/s P. K. Brothers, Huzur Road, Calicut.
13. M. V. Johnson, Law Book Seller, Near Civil Court, Tellicherry.
14. Manager, Higginbothams (Private) Ltd., Trivandrum.
15. M/s Current Books, Publishers and Book Sellers, Trichur.
16. M/s The Educational Supplies, Book Sellers, Publishers and Printers, Palghat.
17. H. & C. Stores, Dealers in Book, Kunnamkulam
18. Manager, Reddiar Press and Book Depot, Trivandrum.
19. K. Parameswaran Pillai, Stamp Vendor, Pulimood, Trivandrum.
20. M/s Educational Suppliers Depot, Trivandrum.
21. M/s Jayachandra Book Depot, Chalai, Trivandrum.
22. S. Subramonia Iyer Book Seller and Stamp Vendor, Kazhakuttom, Trivandrum.
23. N. Parameswaran Pillai, Alummood Veedu, Stamp Vendor, Kottarakkara.
24. S. Krishna Iyer, Stamp Vendor, Ayurveda College View, Trivandrum.
25. N. Neelakanta Iyer, Stamp Vendor, Padmavilasam Street, Fort, Trivandrum.
26. Manager, K. V. Press and Book Depot, Main Road, Attingal.
27. K. Bhaskaran Nair, News Agent, Trivandrum.
28. Proprietor, Kerala Book House, Kodungallur.
29. K. K. Raghava Menon, Popular Book Depot, Kodungallur.
30. C. M. Book Stall and Publishers, Parayil, Kunnamkulam
31. A. Jose, Proprietor, K. V. Press and Book Depot, Neyyattinkara.
32. M. Paramanandan, Proprietor, Ambika Press and Book Depot, Neyyattinkara.
33. The New Order Book Company, Ellis Bridge, Ahmedabad 6.
34. M/s Pai and Company, Broadway, Ernakulam-1.
35. S. Hariharakrishna Iyer, Vinayaka Book Stall, Pazhavangadi, Fort, Trivandrum.
36. K. P. Gopalan, Swaraj Book Stall, Court Road, Quilandy.

37. Ambat Sekhara Menon, Proprietor, Menon Stores, Chittur, Cochin.
38. M. I. Abraham, News Agent and Book Seller, Punalur P. O.
39. K. G. Thomas, K. V. Book Depot, Chengannur.
40. C. L. Joseph, The National Stores and Book Sellers, Tana, Irinjalakuda
41. N. Krishnamoorthi, Merchant, Near Post Office, Manantoddy.
42. T. L. Joseph & Sons, Prakasan Press and Book Depot, Main Road, Irinjalakuda.
43. P. Radhakrishna Pillai, Sivavilasom, Kizhakkekara, Kottarakkara.
44. Vidyarambham Press and Book Depot (P) Ltd. Mullakkal, Alleppey.
45. K. S. Kumara Pillai, Sreekumar Stores, Nedumangad.
46. E. K. John, Stamp Vendor, C/o Popular Trading Co., Kottayam.
47. Secretary, Co-operative Printing and Publishing House Ltd. No. 736,
(Mahatma Press) Town Hall Road, Trichur.
48. P. K. Chacko, Proprietor, Peckayce Trades, Kottayam.
49. Managing Director, National Book Agencies (P) Ltd. Calcutta.
50. Janatha Book Stall, Near P.M.G.'s Office, Trivandrum.
51. Secretary, Govt. Servants Co-operative Society Ltd. No. A 208, Alleppey.
52. Manager, St. Thomas Press, Palai.
53. The National Stores, Cannanore.
54. K. Kunhambu, Bharath Printing Press, Kanhangad (P.O.), Cannanore.
55. N. Chellappan Pillai, Narayana Press and Book Stall, Attingal.
56. Koshy P. John, Vidyarthi Mitram Press and Book Depot, Kottayam.
57. Y. Habeebulla, Proprietor, New Book Centre, Near Collectorate, Quilon-9.
58. Vijayakumar Jain, Prabhu Book Services, Gurgaon, Hariyana.
59. Haji Abdul Rahiman Sait, Merchant, Kesavadasapuram, Trivandrum-4.
60. M. Balan, Manager, City Book Stall, R. S. Road, Ottappalam
61. K. Kunhiraman, Manager, Jaya Stores, Vazhuthacaud, Trivandrum.
62. P. N. Narayana Pillai, M. N. Printers, Adoor, Quilon Dt.
63. V. M. Noohu, Book Seller, Ansari Book Stall, Nilamel.
64. A. Narayanan Potti, Book Seller, Near Civil Station, Quilon-9.
65. G. Prabhakaran Nair, Manager, Premier Book House, Moovattupuzha.
66. Manager, Desabhimani Book House, M. G. Road, Trivandrum-1.
67. K. V. Devassy, Manager, Perintalmanna Printing Works, Perintalmanna.
68. K. Bhaskara Pillai, Prahila Book Depot, Attingal P. O.
69. K. A. George, Proprietor, Students Stores, 74/XII, Sub Jail, Road, Alwaye.
70. V. K. N. Pillai, Polayil Veedu, Mangilkulangara, Quilon-12.
71. V. Gopinathan Nair, Book Seller, Kacheri Junction, Nedumangad.
72. A. Poornambal, Proprietor, Bhagya Enterprises, M. G. Road, Trivandrum-1.
73. M. C. Cheriyan, M.C.C. Book Depot, Chengannur.
74. M/s Radha Stores, Main Road, Shoranur-1.

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75. A. T. A. Mustafa, Mustafa Book Company, P. O. Payangad, Cannanore District.
76. S.-M. C. Mani, Banu Brothers Book Depot, R. S. Junction, Alwaye-I.
77. P. C. Cherian, St. Mary's Press and Book Depot, Changanacherry-I.
78. K. J. Cherian, Manager, Victory Book House, Moovattupuzha.
79. R. Radhakrishnan Nair, Proprietor, Modern Books, Near Boat Jetty Road, Quilon.
80. Smt. K. Thankamma, M's M. C. Book Stall, Kottayam.
81. M. A. Joseph, Proprietor, House of Knowledge Publishers and Book Sellers, Round South, Trichur.
82. V. Krishna Iyer, Retired R.T.O., T.C. 18/201, Valiachala, Trivandrum.
83. M's New Ladies Fancy Centre, Manarghat, Trichur District.
84. T. V. Thomas Panicker, Indu Book Depot, Angamaly P. O., Ernakulam District.
85. M. M. Varghese, Proprietor, Book Centre, West Nada, Guruvayur.
86. K. J. Raphael, Sanitha Book Stall, G. B. Road, Sultanpet, Palghat.
87. M/s Asoka Book Agency, 2/27, Roop Nagar, Delhi-110 007.
88. M's St. Joseph's Book Stall, Convent Square, Alleppey.
89. N. Sadanandan, Proprietor, Sadananda Printers, Publishers & Book Sellers, P. O. Alathur, Palghat.
90. K. R. Sukumaran Nair, Sukumar Book Stall, T. C. 23/652, Thampanoor, Trivandrum.
91. V. G. Abraham, St. Thomas Press and Book Depot, Kozhencherry.
92. P. Aravindakshan, Book Seller, Near Post Office, Kottakkal.
93. P. Vasu, M's P. V. Book Seller, Stationery and Book Binders, S.M. Street, Calicut-I.
94. George Avokaran, Manager, Janatha Stores, College Road, Trichur-I.
95. M/s D. K. Book Organisation, 74-D, Anand Nagar (Inter lock), Delhi-110 035.
96. P. R. Dilipkumar, Asok Traders, Market Junction, Kottarakkara.
97. R. Viswanathan, Viswanatha Stores, P. O. Chelakkara, Trichur District.
98. M/s Vijnanabhavan Book Stall, Publishers and Book Sellers, Kayamkulam, Alleppey.
99. N. Krishnan Nair, Edupadical Puthen Veedu, Kattakada, Neyyattinkara.
100. K. Mohanan, Proprietor, S. N. V. Press and Book Depot, Kottarakkara.
101. M's Students Centre, Ottappalam.
102. T. G. Jacob, Pavoo House, Inchavila, Perinad, Quilon.
103. K. Ali, Ali Stores, Badagara.
104. C. Parameswaran Nair, Ceepees Books and Periodicals, Kaithamukku, Trivandrum.
105. K. C. Balan Nair, Book Centre, Opp. B.E.M.P. High School, Tellicherry-I.
106. P. Madhavan Pillai, M. S. Book Depot, Main Road, Quilon.
107. N. G. Raveendranathan Nair, Aradhana Book Centre, A.M. Road, Perumbavoor.
108. M. Subbain, Students Stores, Book Seller, Kesavadasapuram, Trivandrum.
109. M/s Jyothy Book Centre, Book Centre, Round West, Trichur.
110. M. P. Rajendran, M's Gift House, Convent Road, Badagara.
111. A. P. Thankappan Nair, New College Book Stall, Book Sellers, Moovattupuzha.

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112. P. Hamza, Premier Book Stall, Up hill, Opp. Govt. Hospital, Manjeri Road, Malappuram.
113. P. R. Rajasekharan, Sree Lakshmililasam Book Depot, Broadway, Ernakulam.
114. K. T. Varkey, Sam Agencies, Ponkunnam.
115. R. Radhakrishna Pillai, Kallidikkal Veedu, Chadayamangalam.
116. K. Vasu Pillai, Nallur Mani Mandiram, Kanjiracode, Kundera, Quilon Dt.
117. N. Bhoothalingom Pillai, Swamy Book Centre, Opp. Ayurveda College, Trivandrum.
118. V. Ramakrishna Pillai, Proprietor, Raja Stores, Karunagappally
119. N. E. Balakesavan, Modern Book Centre, T.C. 26/1599, G. P. O. Junction, Trivandrum.
120. Proprietor, Book Stall, S. M. Street, Calicut.
121. R. Velappan Pillai, Proprietor, Santha Book Depot, C. C. S. B. Board, Alleppey.
122. A. Narayanan Nair, Retired Deputy Secretary to Govt., Block I (upstairs) Santhinagar, Trivandrum.
123. S. Parameswaran Namboodiri, Saradhi Book Dealers, Kottayam.
124. M/s Parishat Book Stall, Court Road, Manjeri.
125. M. M. Job, Book Centre, Ottappalam.
126. M/s General Papers, Paper Books and Stationery, Court Road, Perintalmanna.
127. K. A. Mathew, S. H. Book Stall, Pandalam.
128. M/s Guru Book Stall, Palayam Road, Calicut.
129. M/s Sahithya Pravarthaka Co-operative Society, Proprietor of National Book Stall, Kottayam.
130. A. Sreedharan, Kottuvillil Vettiil, Cheravaffymuri, Kayamkulam.
131. Elsamma Joseph, Proprietor, Priya Stores, Thodupuzha.
132. T. Kanaran, Santha Stores, Court Road, Tellicherry.
133. K. Thirvikrama Warriar, National Book Stall, Kayamkulam.
134. V. Ayyappan Nair, Devi Book Stall, Kattakkada, Trivandrum.
135. Executive Secretary, Kerala Cardamom Growers Union, Giri Bhavan, Vandanmettu, Idukki.
136. Papeos Book Stall, Edodi, Badagara, Calicut.
137. V. Sankarankutty Menon, S. M. Book Stall, Irinjalakuda.
138. Royal Agency, Camp Bazar, Cannanore.
139. P. H. Syed Mohammed, Janatha Book Stall, Opp. K. S. R. T. C., Changanacherry.
140. K. A. Indira Devi Book Centre, Y. M. C. A. Road, Kottayam.
141. K. R. Muraliedharan, Chandra Press and Book Depot, Harippad.
142. N. Kumaran, Proprietor, Kumar Printers, Ottappalam.
143. N. Elsy, Proprietor, Pitman's Commercial Institute, Sasthamangalam, Trivandrum.
144. M. J. Ponnamma, Book Seller, Krishna Mandiram, Kappimukku, Kayamkulam.

145. V. N. Gopinathan, Ayithara Puthen Veedu, Venniyoor, Trivandrum.
146. Manager, Desabhimani Book House, K. S. R. T. C. Bus Station, Alleppey.
147. T. Mohammed Hussan, Vadakke Panayullathil Parambil, Thiruvil,
Ezhamkulam, Quilon.
148. M. K. Sumathy, Proprietor, Wynad Book House, Down Bazar, Manantoddy.
149. G. Velappan, Aeyus Books, College Road, Pathanapuram.
150. R. Krishnan Nair, Malaya Printing Works and Book Stall, Attingal.
151. P. Bhramah Nayakom Pillai, Jayashri Stores, Nedumangad, Trivandrum.
152. K. K. Pavithran, Rekha Stationery, Books & Pen Dealers, Court Road,
Tellicherry.
153. N. X. Varghese, Law Book Sellers, Kadavanthara, Cochin.
154. Y. Mohammed Ali, Amina Book Stall, Manjeri.
155. K. Pazhanimala, Students Corner, Alathur, Palghat.
156. K. Lalitha, Bharath Publications, Ottappalam.
157. James Lukose, M.Sc. Cherupushpam Book Depot, Palai.
158. M. S. Gopalan, M/s B. B. S. Books, Kottayam.
159. Thomas Mathew, Aby Nivas, Service Bureau Book Stall, P. B. No. 2,
Kumarakom P.O., Kottayam Dt.
160. N. V. Yanga Raman, Proprietor, Swamy Law House, Dwara Swamy Iyer
Road, Ernakulam.
161. Alex Abraham, Proprietor of A-One Book House, Stamp Vendor, K.M.C
X/144, K. K. Road, Kottayam.
162. E. K. Sadasivan Sasthry, Proprietor of Students Book Centre, Private Bus
Stand, Shertallay P.O.
163. M/s Vidyarambham Publishers, Mullakkal, Alleppey.
164. H. Subramanian, Bunk No. 168, Santhosh Book House, Station Road,
Thampanoor, Trivandrum.
165. M. I. Itty, Aroma Book Stall, Mavelikkara.
166. M.S. Kumar, Proprietor, Chandra Press and Book Depot Branch,
Manjalikulam Road, Trivandrum.
167. Radhakrishnan, R., Proprietor, Rehna Book House, Ochira.
168. Smt. R. Indira Bai, Proprietor, Pusthakasala, Church Road, Alleppey.
169. C. I. Varghese, Central Book Stall, Palace Road, Trichur.
170. K. B. Regukumar, Kenniel Book Centre, Kachery Junction, Ambalapuzha
171. Abraham Varghese, S.V. Press and Book Depot, Changanacherry.
172. Girija Muthukrishnan, Proprietor, S. T. Reddiar & Sons, Main Road, Quilon
173. P. K. Madhavan Nair, Books and Periodicals, Trivandrum.
174. Philip K. Joseph, Proprietor, Jose Books, Thattarambalam.

175. P. Viswanathan, Proprietor, Indira Press, 13/88, Palayam, Calicut.
176. M. V. Johnson, Managing Partner, Law Books Centre, Banarji Road, Cochin.
177. K. P. Vijayakumar, Proprietor, Aritha Publications, College Road, Sasthameotta
178. Smt. N. Sathi, Managing Partner, Bobby Book Centre, Kuthuparamba, Cannanore.
179. Sri Parathode Antony, Giriprabha Book House, Idukki.
180. N. V. Mohammed Abdul Rahiman, Proprietor, Mathrubhooni Book Stall, Malappuram.
181. Smt. Mercy Varghese, Proprietor, Orient Book Centre, Convent Junction, Ernakulam.
182. S. Viswanath, Proprietor, Vidyarambham Publishers, Maithanam, Varkala.
183. Smt. Soosamma, K., Proprietor, Vidya Printers, Harippad, Alleppey
184. Sri C. M. Sethumadhavan, Proprietor, Sreedevi Enterprises, Manjeri.
185. Sri R. Prabhakaran Nair, Managing Partner, Prabhath Enterprises, Chettikulangara.
186. Sri R. Sreenivasan, Proprietor, S. T. R. Book Depot, Alleppey.
187. Smt K. K. Ammini Amma, Monarch Book Centre, 15/1181, Vazhuthacaud, Trivandrum.
188. Sri V. Rajan, Proprietor, Modern Book Stall, Trichur.
189. Sri A. Manikantan Nair, Book land, Gandhari Amman Coil Road, Trivandrum.
190. Sri T. Sathyanesan, Proprietor, Vijaya Book Stall, Vayali Veedu, Malayam.
191. Sri K. Saji, Rajasree Traders, P. P. Road, Perumbavoor, Ernakulam.
192. Smt. Retnavally, Proprietress, Allied Book Centre, Cannanore.
193. Sri K. Vijayakumar, Proprietor, Vijaya Book Centre, Trivandrum.
194. Sri K. Balachandran Pillai, Proprietor, K. C. Stores, Anchal.
195. Sri P. Ramakrishna Pillai, Continental Publishing Company Private Ltd. Cochin.
196. Sri N. C. Kumaran, Enceeyan Stores, Telficherry.
197. Sri E. M. Varghese, Proprietor, Saji Press, Konni, Pathanamthitta.
198. Smt. Rachel Sreekumar, Pathanamthitta.
199. Sri Issac Kulangara, Proprietor, Deepika Book House, Pathanamthitta.
200. Sri Valiyavalappil Shamsudheen, Proprietor, New Book Centre, Payyannur.