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GOVERNMENT OF KERALA Personnel and Administrative Reforms (Rules) Department

NOTIFICATION

G.O.(P) No.2/2022/P&ARD

Dated, Thiruvananthapuram, 15 th January ,2022

S. R. O. No. 124/2022

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, 2022.

(2) (a) Sub-rule (1) of rule 2 shall be deemed to have come into force on the 18th day of January, 2012;

(b) the remaining provisions shall come into force at once.

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

(1) rule 5A shall be omitted;

(2) for 13B, the following rule shall be substituted, namely:—

“13B. Notwithstanding anything contained in these rules, Special Rules or any executive orders, persons in Government Service who attain the age of 50 years shall be eligible for permanent exemption from passing the obligatory departmental tests other than those prescribed as essential qualification in the Special Rules or executive orders for all purposes such as promotion, appointment as full member of service etc.:

Provided that this rule shall not be applicable to tests prescribed for purposes of promotion of executive staff belonging to the Police Department:

Provided further that Ex-servicemen employees of Rajya Sainik Board Department and National Cadet Corps Department who attain the age of 45 years and who have successfully completed probation shall be permanently exempted from passing the tests prescribed for promotion other than those prescribed as essential qualification.”;

(3) in sub-rule (c) of rule 27, the sixth proviso shall be omitted;

(4) rule 27 A shall be omitted;

(5) in rule 27B, the following proviso shall be inserted, namely:—

“Provided that the Government may entertain such representations even after the expiry of the period specified above, if it is satisfied that the applicant had sufficient cause for not submitting the representation in time.”.

(By order of the Governor)

Dr.Asha Thomas IAS

Additional Chief Secretary to Government.



Explanatory Note

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

Rule 5A of Part II of the Kerala State and Subordinate Services Rules, 1958, provides for granting weightage marks to candidates in district-wise selection on production of nativity certificate issued by a Competent Authority not below the rank of a Tahsildar of the concerned District as and when called for. But, the said rule has been declared as unconstitutional by the Hon'ble High Court of Kerala as per the common judgment dated 18th January, 2012 in W.P.(C) No.28055/2010 and connected cases. This was affirmed by the Hon'ble Division Bench in the judgment dated 10th March, 2016, in W.A.No.618/2012 and connected cases. Hence Government have decided to omit the rule 5A from the said Rules with effect from the date of judgment of the Hon'ble High Court in W.P.(C) No.28055/2010.

As per rule 13B of Part II of the Kerala State and Subordinate Services Rules, 1958, permanent exemption from passing tests was granted to officers who attain the age of 50 years and have put in 25 years of services. As per G.O.(P) No.309/1984/GAD dated 31st August, 1984, the minimum service requirement specified therein was dropped. Subsequently, the exemption was limited to tests other than those prescribed as essential qualification through the amendment inserted as per notification issued under G.O.(P) No.25/2003/P&ARD dated 21st August, 2003 and published as S.R.O. No. 845/2003 in the Kerala Gazette Extraordinary No.1695 dated 2nd September, 2003. The fourth proviso is now generally applied to all employees who attain 50 years of age and in fact those who attained 50 years of age before 26th August, 1981 are no longer in service. So the provision in the rule relating to those category of employees is irrelevant now. Hence, the existing proviso became obsolete. Hence, it is decided to amend the rule to keep it updated.

The sixth proviso to sub-rule (c) of rule 27 of Part II of the Kerala State and Subordinate Services Rules, 1958, is applicable to employees belonging to the categories specified therein who were advised by the Kerala Public Service Commission during the period of National Emergency. Since, the advice and appointment system referred in the said proviso is not adhered to in the current scenario, it is decided to omit the proviso to



reflect the present system.

Rule 27A of Part II of the Kerala State and Subordinate Services Rules, 1958, is applicable to L.D.Clerks and L.D.Typists who were appointed in service prior to 19th October, 1962, and all of them have retired from service. So, the rule became obsolete and it is decided to omit the same.

As per rule 27B, 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. It is decided to insert a proviso in the said rule enabling the Government to reconsider the representations even after the expiry of six months if it is satisfied that the applicant had sufficient cause for not submitting the representation in time. Hence, the Government have decided to amend the said Rules suitably.

The notification is intended to achieve the above object.

