

# **Kerala State & Subordinate Service Rules 1958**

Kerala State & Subordinate Service Rules (KS & SSR) 1958 is framed by invoking Art.309 of the Constitution. These rules were validated under Section 3 of the Kerala Public Services Act, 1968 at a later stage.

## **Kerala Public Services Act**

This is an act to regulate the appointment and conditions of public service.

## **Major Rules Governing Service Conditions**

1	Kerala Service Rules, Part I, II & III	Deals with the financial benefits of the employees
2	Kerala State & Subordinate Service Rules, Part I, II & III	Deals with the method of recruitment, seniority and promotion
3	Kerala Civil Services (Classification, Control & Appeal) Rules	Deals with the disciplinary proceedings
4	Kerala Government Servants Conduct Rules	Conduct rules of Government servants

## **Government Service**

Government service is classified into two main categories viz. State Service & Subordinate Service. This classification is included in Kerala Civil Services (Classification, Control & Appeal) Rules (KCS (CC\*A) Rules). State Services include all posts in Gazetted cadre (Selection posts) and Subordinate Service include all non-gazetted posts including Last Grade, Part-time Contingent posts.

## **KS & SSR**

KS & SSR lay down the service conditions of the government employees. Main components included under the rule are recruitment, appointment, seniority, probation, promotion, etc. It is mainly segregated into 3 parts; Part I dealing with general matters and definitions, Part II dealing with 39 general rules and Part III is the Special Rules for different services. Special Rules have to be framed separately by Government for the respective services.

## **Scope of General Rules**

The rules shall apply to all State and Subordinate Service and to the holders of all posts, whether temporary or permanent in any such service except in the case of Contract employees. These rules are applicable to the holders of all posts in Government service even though the posts they

hold are not classified in Schedule I or Schedule II (proviso under Rule I). Certain provisions of this Rule is are applicable in the case of Last Grade Service.

### **Applicability**

If any provision in the general rules repugnant to a provision in the Special Rules and General Rules applicable to any particular service, the provisions in the Special Rules will prevail. [Rule 2]

### **Definitions**

#### **Appointed to a Service:**

Discharges for the first time the duties of a post borne on the cadre of such service or commences the probation.

#### **Approved candidate:**

A candidate whose name appears in an authoritative list of candidates approved for appointment to any service.

#### **Approved Probationer:**

Approved probationer is a member of that service, class or category who satisfactorily completed his probation and awaits appointment as a full member.

#### **Discharge of a Probationer:**

In case, the probationer is a full member or an approved probationer of another service, reverting him to such service and in any other case, dispensing with his service.

#### **Duty:**

When performing the duties of a post borne on the cadre of such service or undergoing the probation. Following items will be considered as duty:

- a. joining time
- b. vacation, authorized holidays, restricted holidays or on casual leave
- c. deputation
- d. waiting for posting orders after reporting for duty
- e. notional promotion consequent on revision of rank and seniority
- f. maternity leave in case of female members.

#### **Full Member:**

Member of a service who has been appointed substantively to a permanent post borne on the cadre.

#### **Member of a Service:**

A person appointed to that service and who has not retired or resigned, removed or dismissed, transferred or reduced to another service or discharged otherwise for want of vacancy is a member of

the service. He may be a probationer, an approved probationer or a full member of that service.

**Military Service:**

Service in the Armed Forces under the Ministry of Defence.

**Probationer:**

Probationer means a member of that service who has not completed his probation.

**Promotion:**

Appointment of a member of any category or grade of a service or a class of service to a higher category or grade of such service or class is called promotion.

**Recruited direct:**

A candidate is said to be "recruited direct" to a service, class, category or post when, in case the appointment has to be done in consultation with the Commission, on the date of the notification by the Commission inviting applications for the recruitment, and in any other case, at the time of appointment.

**Recruited by transfer:**

A candidate is said to be "recruited by transfer" to a service.-

- i) if his appointment to the service is in accordance with the orders issued or rules prescribed for recruitment by transfer to the service; and
- ii) if at the time of his first appointment thereto.-
  - (a) he is either a full member or an approved probationer in any other service, the rules for which prescribe a period of probation for members thereof:

**Service:**

"Service" means a group of persons classified by the State Government as a State or Subordinate Service as the case may be.

*Note.- Where the context so requires "service" means the period during which a person holds a post or a lien on a post or is a member of a service as above defined.*

**Special Rules:**

Special Rules mean the rules in Part III applicable to each service or class of service.

**Cadre:**

The permanent cadre of each service, class, category and grade shall be determined by the State Government.

## **Approved candidate**

All first appointments to the service shall be made by the appointing authority on the advice of the Commission for the posts falling within the purview of the PSC and in all other cases by the appointing authority from the list of approved candidates. The inclusion of a name in the list of approved candidates shall not confer any claim for appointment. The Commission shall have the power to cancel the advice for appointment, but only after giving reasonable opportunity of being heard (Rule 3).

## **Recruitment**

Methods of recruitment can be broadly classified into two, Direct recruitment, Recruitment by transfer. [Rule 5]

### Direct recruitment:

Direct recruitment shall be made only against substantive vacancies [Rule 5(b)]. All permanent and temporary vacancies except those of short duration are treated as substantive vacancies [Rule 5© - Note (1)].

### Vacancies of short duration:

Leave vacancies and vacancies of less than 6 months duration shall be treated as vacancies of short duration. [Rule 5© - Note (2)]

### Ratio/ percentage fixed:

In the case of ratio/ percentage fixed for recruitment, the number of vacancies to be filled up from each category shall be decided by applying the ratio/ percentage to the cadre strength of the post and *not to the vacancies existing at that time*. [Rule 5© - Note (3)]

Direct recruitment shall be made on the advice of PSC, through compassionate employment scheme, by invoking the provisions of physically challenged appointment or by appointing sports personnel.

## **Discharge & Reappointment**

Vacancy in any service shall be filled up by direct recruitment only after giving chances to an approved probationer or a probationer [Rule 6]. Order of discharge for want of vacancy shall be: first, the probationers in order of juniority and then approved probationers in order of juniority. Re-appointment of the above categories will be in reverse order. Discharged candidates have to register their names with the Commission [Rule 7].

## **Absence from duty**

The absence of a member of service from duty in such service, shall be generally LWA for taking up other employment on foreign service. He shall be entitled to all the privileges in respect of appointment, seniority,

probation and appointment as full member which he would have enjoyed but for his absence. He has to complete his period of probation on his return [Rule 8].

Recently it is ordered that the request for grant of leave under Appendices XII A/ XII B/ XII C Kerala Service Rules in respect of employees who secure appointment through PSC will be considered only after declaration of satisfactory completion of probation in the entry cadre (vide G.O.(P) No.161/08/Fin dated 9-4-2008). This is further amended by excluding those coming under category XII-B and those who are continuing on LWA (Circular No.54/08/Fin&G.O.(P)No. 448/08/Fin).

### **Temporary Appointments**

In public interest, in order to fill up a vacancy to meet urgent need, the appointing authority can make temporary appointments as mentioned below:

- ❖ Appoint persons from the same service (*while doing so persons who are admittedly senior to him shall also be appointed*) [Rule 9 (a) (i)]
- ❖ Through Employment Exchange [Rule 9 (a) (i)]
- ❖ Appointment by agreement (Rule 9 A)
- ❖ Deputation from one department to another (Rule 9 B)
- ❖ Appointment of a person having knowledge of regional language [Rule 9 (d)]

Persons appointed under [Rule 9 (a) (i)] shall be replaced as soon as possible [Rule 9 (a) (iii)]. They shall not be regarded as a probationer [Rule 9 (a) (iv)]. They shall not be eligible for increment [2nd proviso to Rule 9 (a) (v)].

### **Qualification**

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. [Rule-10 (a)]

The educational qualification of the SSLC standard means that specified in the Schedule to the General Rules. [Rule-10 (aa)]

Candidates for appointment to regular services must have sound health. [Rule-10 (b)(i)]. Candidates for appointment to regular services should not have more than one wife/ husband. [Rule-10 (b)(ii)]

In the case of candidates for appointment to regular services, the character and antecedents are such as to qualify him for such service. [Rule-10 (b)(iii)]

A person appointed shall not be treated as a member of the service until regularized. [Note 1- Rule-10 (b)]. Obtain the character and antecedents within a period not exceeding 6 months from the date of joining duty. [Note 1- Rule-10 (b)]

Special qualifications acquired or special tests passed before the appointment shall be considered for declaration of probation. [Rule-11]

No person shall be eligible for appointment to any service unless he possesses the required qualification, passed special tests in the Special Rules or equivalent qualifications [Rule-13]. Temporary exemptions for SC/ST Members. [Rule- 13A]

When a test is newly prescribed by Special Rules, a temporary exemption for two years from the date of introduction is allowed. [Rule- 13A (i)(b)]. For members belonging to SC/ST the exemption may be extended further by 3 years. [Rule- 13A(2)]

Permanent exemption from passing the obligatory departmental tests will be granted to those who were in service up to 25-8-1981 on completion of 25 years of service and 50 years of age (those belonging to SC/ST will get exemption on attaining 50 years of age). But on or after 26-8-1981 all those who attain the age of 50 years will be eligible for permanent exemption. This exemption is not applicable for posts for which departmental tests are prescribed as basic qualification [Rule-13B]

Temporary exemption from Test qualification is granted to SC/ST for probation as well as for promotion from 13-1-72. This exemption is applicable only to those who were in service up to 31-12-1985 (GO (P) No.25/97/P&ARD dated 28-11-1997).

## **Probation**

Probation means period of service rendered by an officer when discharging duties of a post to which he is appointed for the first time on a regular basis in order to assess his performance and suitability to hold the post.

A member temporarily promoted shall not be regarded as a probationer in the category or grade to which he has been promoted. [Rule-12 (a)]. A member temporarily promoted to a higher rate of pay in the same service shall be entitled to count towards his probation in the former category, the period of duty in the latter category. [Rule-12 (b)]

Commencement of Probation:

Date of commencement of probation starts from the date on which he joins duty in the department on a regular basis. [Rule-18(a)]

Different services counting for probation:

Probation in a service shall count for probation in another service, if the normal method of recruitment to the latter service is, according to the rules, by transfer from the former service. [Rule-18(b)]

Service in a higher category will count for probation in a lower category. [Rule-18(c)]

Temporary services counting for probation:

A probationer in a service temporarily appointed to another service shall be entitled to count towards his probation in the former service, the period of duty performed in the latter service. [Rule-18(d)]

Service on temporary promotion counting for probation:

A probationer who is promoted temporarily to a higher category in the same service shall be entitled to count towards his probation, if any, in the former category [Rule-18(e)]. Service on deputation will count for probation. [Rule-18(f)]

A probationer before completing his probation proceeds on LWA for taking other employment shall commence probation afresh on his return from leave. [Rule-18(g)]

A person got appointment in one department from a common select list and thereafter discharged from that department for want of vacancy got reappointed on re-registering his name shall be entitled to count his service in the former department for probation in the latter department. [Rule-18(h)]

An inter-departmental transferee shall have to undergo probation in the new department in accordance with the Special Rules. [Rule-18(i)]

Suspension, Termination or Extension of probation:

If the work and conduct of a Probationer is found to be unsatisfactory or he has not passed the prescribed test(s) his probation may be extended or otherwise terminated and discharged after giving him a reasonable opportunity of showing cause against the proposed action. [Rule-19]

Suitability for full membership:

At the end of the prescribed or extended period of probation, the appointing authority shall consider the probationer's suitability for full membership. If satisfied issue an order declaring that the probationer has satisfactorily completed probation. [Rule-20]

Probationer's increment shall be stopped until he is declared to have satisfactorily completed his probation. [Rule-20]

Any delay in the issue of an order shall not entitle him to be deemed to have satisfactorily completed his probation. [Rule-20A]

Extension of probation:

In the case of any probationer failing to complete the conditions for probation, the appointing authority can extend his probation up to a maximum of one year to acquire the required qualifications. Further extension has to be given by Government. [Rule-21]

The date of acquiring test qualification is the day following the last date of the whole examination or test [Rule-21]. When the subjects of the test are passed in different examinations, then the last date of the whole examination or test will be the effective date. [Note - Rule-21]

Appointment of full member:

An approved probationer shall be appointed as the full member of a service in any substantive vacancy which may exist or arise at the earliest possible opportunity subject to the provisions of rule 8. The senior most approved probationer shall be appointed first. If the vacancy exists before the completion of probation, retrospective effect of appointment can be given as the case may be. [Rule-24]

Membership of more than one service:

No person shall at the same time be a full member of more than one service. [Rule-26]

**Seniority**

Seniority of a person in a service, class, category or grade shall, unless he has been reduced to a lower rank as punishment, be determined by the date of the order of his first appointment to such service, class, category or grade. Appointment shall not include rule 9 or rule 31 appointments. [Rule-27 (a)]



#### Seniority of persons for appointment in fixed ratio:

Seniority of persons appointed to a category or post in a department, where the methods of appointment to that post or by promotion, by transfer and by direct recruitment in a fixed ratio or percentage shall be determined as:

- 1) If the first vacancy shall be for the departmental hand by promotion or transfer and the next vacancy by direct recruitment.
- 2) In the absence of a direct recruit, the second post can be filled up by a departmental hand temporarily. He will be regularized with effect from the date of occurrence of the third vacancy and the next by the 5th vacancy etc.
- 3) The direct recruit shall be entitled for rank and seniority from the date of his first effective advice. [3rd Proviso Rule-27 (a)]

#### Internal transfers:

Seniority of persons on mutual or inter-unit or inter-departmental transfers on request shall be determined with reference to their dates of joining duty in the new unit or Department. In the case of more than one person joining duty in the same grade in the same unit or department on the same date:

- 1) If the persons belong to different units or departments, the older being considered as senior. [Proviso (a) Rule-27 (a)]

If the persons join duty belong to the same category of the post in the same department, in accordance with their seniority in the unit or department from which they were transferred. [Proviso (b) Rule-27 (a)]

#### Date of seniority:

Seniority of a person appointed to a service is determined by the date of first effective advice for his appointment. When two or more persons included in the same list of candidate advised, their relative seniority shall be fixed according to the order in which their names are arranged in the advice list. [Rule-27 ©]

### **Regularisation**

A person appointed shall not be treated as a member of the service until regularized. [Note 1- Rule-10 (b)]. Obtain the character and antecedents within a period not exceeding 6 months from the date of joining duty. [Note 1- Rule-10 (b)]

### **Promotion**

Promotion means appointment to a new post in a higher category of the same service or to a new post having a higher grade. No person is eligible for promotion from the category in which he was appointed to the service

unless he has satisfactorily completed his probation in that category (Except HODs). [Rule-28(a)(i)]

Promotion to non-selection (non-gazetted) posts is based on seniority and fitness. Punishments other than Censure awarded within a period of preceeding three years is taken into account for determining suitability [Rule-28(a)(ii)]

### **Select lists**

Appointment by transfer or promotion to selection posts (State Service) (except HOD) shall be made by Departmental Promotion Committee (DPC). Selection is based on merit as disclosed from the performance appraisals or CRs. Seniority is considered when merit and ability are approximately equal. Punishments other than Censure and Warning awarded within the preceding three years are taken into account while preparing select list. Select lists are prepared for each calendar year and the Convener of the DPC shall publish the select list in the gazette with the approval of Government. [Rule-28(b)]

### **Relinquishment of Right**

Any person of a service can relinquish any right or privilege to which he may be entitled under these rules or the Special Rules (promotion, appointments by transfer etc.) in writing and the same can be accepted by the Appointing Authority, if such relinquishment is not opposed to public interest [Rule 38]. Promotion once accepted cannot be relinquished.

*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.*

### **Relaxation of rules**

Government have the power to relax the rules. Government have issued principles and procedures to be followed for invoking this Rule vide Circular No.131867/ Rule/ 72/PD dated 14-9-73 as amended.

\* \* \*