



GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—THE KERALA LAST GRADE SERVICE—SPECIAL
RULES—ISSUED.

PUBLIC (RULES) DEPARTMENT

G. O. (P) No. 82.

Dated, Trivandrum, 8th March 1966.

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of all existing orders and rules on the subject, the Governor of Kerala hereby makes the following special rules for the Kerala Last Grade Service:

RULES

1. *Constitution.*—The service shall consist of the following categories of posts namely:—

Category 1. Chowkidar, Line Maistry, Line attendant, Care-taker, Packer, Counter and Janitor.

” 2. Duffadar, Mochee, Gasman, Guard, Helmsman, Dispensary Attendant, Field workers, Ayah, Court-keeper, Dresser, Head Keeper, Field Assistant, Turn Cock and Last Grade Attenders.

” 3. Any other post in the last grade service as defined in clause (16A) of Rule 12 in Part I of the Kerala Service Rules and who has not been included in any other service.

2. *Posts with different designations.*—For the purposes of appointment and promotion probation and seniority, discharge for want of vacancies and re-appointment, postings and transfers and appointment of full members, every post or group of posts in any category bearing a distinct designation shall be deemed to constitute a separate category.

3. *Applicability of General Rules.*—Part II of the Kerala State and Subordinate Services Rules other than rules 3, 4, 14, 15, 16 and 17 shall not apply to the service.

4. *Appointing authority.*—The appointing authority for all the categories of posts in the offices and institutions specified in column (1) of the table below shall be the authority specified in the corresponding entry in column (2) thereof.

Table

<i>Office or Institution</i> (1)	<i>Appointing Authority.</i> (2)
SECRETARIAT	
(a) Governor's Secretariat	(a) Secretary to the Governor
(b) Law Department	(b) Secretary to Government, Law Department
(c) Finance Department	(c) Secretary to Government, Finance Department
(d) Other Departments	(d) Secretary to Government, Public Department or any other Officer authorised in this behalf by the Chief Secretary to Government
REVENUE DEPARTMENT	
(a) Board of Revenue	(a) Secretary, Board of Revenue or any other officer authorised in this behalf by the Board
(b) Collectorates	(b) Personal Assistant to the Collector
(c) Other Offices of the Revenue Department	(c) The Revenue Divisional Officer having Jurisdiction over the Office concerned
LAW OFFICER'S DEPARTMENT	
(a) Office of the Advocate General	(a) Advocate General
(b) Offices of the Government Pleader	(b) Government Pleader
(c) Offices of the Public Prosecutor	(c) Public Prosecutor
JUDICIAL DEPARTMENT	
(a) District and Sessions Courts Sub Courts and Munsiff's Court	(a) Presiding Officer of the Court concerned
(b) Judicial Magistrates' Courts	(b) District Magistrate concerned

HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT
 Commissioner of Hindu Religious and Charitable Endowment

OTHER DEPARTMENTS

- | | |
|--|---|
| (a) Offices of the Heads of Departments | (a) The Head of the Department concerned or any other officer having jurisdiction over the office concerned authorised in this behalf by the Head of the Department |
| (b) Offices and Institutions in the Districts | (b) The Highest Officer of the District having jurisdiction over the Office or the Institution concerned |
| (c) Institutions over which District Officers have no jurisdiction | (c) Head of the Institution concerned |

5. *Appointment.*—(a) Appointment to the various categories or posts shall be made as follows:—

Categories 1 & 2 By promotion from a lower post or category within the jurisdiction of the appointing authority concerned;

or

If suitable and qualified persons are not available within such jurisdiction, by promotion from a lower category or post outside such jurisdiction;

or

By direct recruitment.

Category 3 By direct recruitment.

(b) All promotions shall be made in accordance with seniority, unless the promotion of a member has been withheld as a penalty.

6. *Temporary Appointment.*—(a) Where in any office other than the Governor's Secretariat it is necessary in the public interest owing to an emergency which has arisen to fill immediately a vacancy in a post borne on the cadre of any category of the service and there would be undue delay in making such appointment in accordance with these rules, the appointing authority may appoint a person, otherwise than in accordance with these rules, temporarily until a person is appointed in accordance with these rules

(b) A person appointed under sub-rule (a) shall be replaced as soon as possible by a member of the service or a candidate qualified to hold the post under these rules. Such persons shall not be regarded as a probationer in the service or be entitled by reason only of such appointment to any preferential claim to future appointment to the service. If such person is subsequently appointed in accordance with these rules, he shall commence his probation therein from the date of such subsequent appointment or from such earlier date as may be determined by the Appointing authority without prejudice to the seniority of others. He shall also be eligible to draw increments in the time-scale of pay applicable to him from the date of commencement of his probation but shall not be entitled to arrears of pay unless otherwise ordered by the Government.

(c) There shall be paid to a person appointed under sub-rule (a) either his substantive pay or the pay of the lowest grade or the minimum pay in the time-scale of pay, as the case may be, applicable to such category, whichever is higher.

7. *Reservation of appointment.*—The rules relating to reservation of appointments (General rules 14-17) shall apply to appointments to the service by direct recruitment.

8. (a) *Qualifications regarding age*—No person shall be eligible for appointment to any of the posts by direct recruitment if he has not completed or will not complete 18 years or if he has completed or will complete 25 years of age on the 1st day of July of the year in which applications for appointment are invited:

Provided that in the case of a candidate who is an ex-serviceman, the period of his service in the Defence Forces shall be excluded in computing his age for appointment.

(b) *Other qualifications.*—No person shall be eligible for appointment to the posts specified in column (1) of the table below unless he possess the qualifications specified in the corresponding entry in column (2) thereof:

Table	
Posts (1)	Qualifications. (2)
Janitor	Literacy and experience in arranging books in a Library
Packer, Government Press	Pass in VII Standard or equivalent qualifications
Counter	do.
Dresser	do.
All other posts	Must be able to read and write Malayalam Tamil or Kannada

Note:—1. Only persons professing the Hindu Religion shall be appointed to the posts in the Hindu Religious and Charitable Endowments Department.

2. For appointment to the posts of peons by direct recruitment ability to ride a bicycle will be a desirable qualification.

(c) No person shall be eligible for appointment by direct recruitment to the service if he has more than one wife living or, if such person is a woman, if she is married to any person who has a wife living.

(d) *Security*.—Where the State Government have by general or special order directed that the holder of any specified posts shall deposit security for the due and faithful performance of his or her duties, no person shall be eligible for appointment to any such post, whether by direct recruitment or by recruitment by transfer or by promotion, unless he or she is able and willing to deposit security for such amount as may be specified in such general or special order.

9. *Probation*.—Every person appointed to a category shall be on probation.

(i) if recruited direct, for a total period of one year on duty within a continuous period of three years ; and

(ii) if appointed by promotion, for a total period of one year on duty within a continuous period of two years.

10. *Service in a category in different departments or offices*.—Subject to the provisions of sub-rule (d) of rule 17 service rendered in a post included in any one of categories 1 to 3 in a department or office shall count for probation and seniority in regard to another post in the same category whether in the same or another department or office.

11. *Suspension or termination of probation*.—At any time before the expiry of the prescribed period of probation, the appointing authority may—

(a) suspend the probation of a probationer and discharge him from the service or, as the case may be, revert him to his permanent post or category for want of a vacancy ; and

(b) at its discretion by order terminate the probation of a probationer and discharge him from the service, or, as the case may be, revert him to his permanent post or category after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

12. *Probationer's suitability for full membership*.—(a) If at the end of the prescribed period of probation the appointing authority considers the probationer to be suitable for full membership, it shall, as soon as possible by an order, declare him to have satisfactorily completed his period of probation. On the issue of that order, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of expiry of the prescribed period of probation.

(b) If at the end of the prescribed period of probation the appointing authority does not consider the probationer to be suitable for such membership, it shall, by order discharge him from the service, or, as the case may be, revert him to his permanent post or category after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

13. *Appeal against discharge.*—(a) A probationer who is discharged under sub-rule (b) of Rule 11 or under sub-rule (b) of Rule 12 shall be entitled to appeal against the order of discharge passed by the appointing authority to the authority to which and within the period of limitation within which an appeal would lie against an order of dismissal passed by the appointing authority against a full member of the service, class or category as the case may be.

(b) The authority competent to entertain an appeal under sub-rule (a) may, either of its own motion or otherwise revise any order discharging a probationer under any of the provisions referred to in the sub-rule, within one year of the date of such order.

(c) (i) When an order discharging a probationer is set aside an appeal under sub-rule (a) or on revision under sub-rule (b) and the probationer is restored to the service, the period on and from the date of discharge to the date of such restoration may, with the previous sanction of the State Government be treated as on duty except for the purpose of probation. The period of probation undergone by such probationer at the time of his discharge shall, however, count towards the period of probation prescribed under these rules.

(ii) Such probationer may, during the period on and from the date of his discharge to the date of his restoration, be paid such pay and allowances not exceeding the pay and allowances to which he would have been entitled if he had not been discharged as the authority passing the order under sub-rule (a) or (b) may with the previous sanction of the State Government determine.

14. *Seniority.*—(a) Seniority of a member in any category of the service 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 category.

Provided that if any portion of the service of such person does not count towards probation under the rules, his seniority shall be determined by the date of commencement of his service which counts towards probation.

(b) The appointing authority shall, at the time of passing an order appointing two or more persons simultaneously to the service, fix the order of preference among them; and seniority shall be determined in accordance with it.

(c) Notwithstanding anything contained in clauses (a) and (b) above, the seniority of a person appointed to a category in the service on the advice of the Commission shall, unless he has been reduced to a lower rank as punishment, be determined by the date of first effective advice made for his appointment to such category and when two or more persons are included in the same list of candidates advised, their relative seniority shall be fixed according to the order in which their names are arranged in the advice list.

Note:—The date of effective advice in this rule means the date of the letter of the Commission on the basis of which the candidate is appointed.

15: *Discharge and reappointment.*—(a) (i) The order in which probationers and approved probationers in any category shall be discharged for want of vacancies shall be:—

first, probationers in the order of juniority; and second, approved probationers in the order of juniority.

(ii) Approved probationers and probationers who have been discharged for want of vacancies shall be re-appointed as vacancies arise in the inverse of the order laid down in clause (i).

(b) For the purpose of this rule, posts within the jurisdiction of each appointing authority shall be treated as a separate unit.

16. *Appointment of full members.*—(a) Appointment of approved probationers as full members of the service shall be made by the appointing authority.

(b) An approved probationer shall be appointed as a full member, of the service in the 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 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 such date or, as the case may be, from such subsequent date from which he was continuously on duty as a member of the service in such category or in a higher category.

Provided that where more than one approved probationer is available for such appointment as full member, the senior most approved probationer on the date of the vacancy shall be appointed.

Explanation:—For the purpose of this sub-rule, an approved probationer on leave shall be deemed to be on duty as a member of the service in the category concerned if he would have been on duty in such category or in a higher category but for his absence on leave.

17. *Postings and Transfers.*—(a) A member of the service in any category may be required to serve in any post borne on the cadre of that category.

(b) All transfers and postings shall be made by the appointing authority.

Provided that the powers conferred on the appointing authority by this sub-rule may be exercised also by any authority to which the appointing authority is administratively subordinate.

(c) A member of the service may, on grounds of administrative necessity, be transferred from the jurisdiction of one appointing authority to that of another appointing authority. Such transfers shall be made by the authority to which the appointing authorities are administratively subordinate.

(d) *Transfers on request.*—Probationers, approved probationers or full members desiring transfer from the jurisdiction of one appointing authority to that of another appointing authority may be permanently transferred,

mutually or otherwise, with the mutual consent of the appointing authorities concerned, if the persons desiring transfer (i) forgo their right to seniority based on rule 14 and each of them takes his rank last in the list of probationers, approved probationers or full members, as the case may be, for the administrative unit to which he is transferred as it stands on the date on which he joins the new Unit and (ii) receive no T. A. for the journeys to the places to which they are transferred:

Provided that full members shall be re-transferred to the unit from which they were transferred in the event of there being no vacancy for them to continue in the administrative unit to which they were transferred or for any reason his pay in the substantive post in the parent department becomes higher than the pay of the new post held by him.

18. *Staff and Ministers.*—The following rules shall govern the appointment of peons for attendance on Ministers :

(a) The cadre of Peons shall be temporary.

(b) Ministers may select such persons as are in their opinion suitable for appointment as their peons except the Duffadar, but a person so selected shall not by reason only of his appointment under a Minister be regarded as appointed to the service, nor shall such appointment confer on him any preferential claim for appointment to the service.

(c) Appointments to posts of Duffadar shall be made from among the senior peons of the General Secretariat and for special reasons, from among those of Finance or Law Department of the Secretariat. Every such appointment will be subject to the approval of the Minister concerned.

19. *Pay, allowances, leave, leave salary, pension and other conditions of services.*—The Kerala Civil Services (Classification, Control and Appeal) Rules, the rules regulating the pay of the services issued from time to time, the Government Servants' Conduct Rules, the Travancore Service Regulations, the Cochin Service Regulations, the Fundamental Rules, the Madras leave Rules 1933, the Kerala Service Rules 1959, and the pension rules for the time being in force shall, in so far as they may be applicable and except to the extent expressly provided in those rules shall govern members of the service in the matter of their pay, allowance, leave, leave salary, pension and other conditions of service:

Provided that the said rules and regulations shall, in their application to persons employed in the Secretariat Staff of the Governor, be construed as if the functions of the State Government under those rules and regulations are the functions of the Governor.

By order of the Governor,

ZACHARIA MATHEW,

Joint Secretary.

To

All Heads of Departments and Offices.

All Departments of the Secretariat.

The Secretary, Public Service Commission (with C. L.)

The Registrar, University of Kerala do.

The Registrar, High Court do.

The Secretary, Vigilance Commission do.

The General Manager, Kerala State Road Transport Corporation
with (C. L.)

The Secretary, Kerala State Electricity Board (with C. L.)

The Accountant-General.

All Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Assistant Secretaries to Government.

The Secretary to Governor.

The Private Secretaries to Advisors.

The Stenographer to the Chief Secretary.