



കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Finance (Pension-B) Department

NOTIFICATION

G.O.(P)No.58/2023/FIN

Dated, 14th June, 2023

S. R. O. No. 668/2023

Thiruvananthapuram

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 Service Rules, namely:-



RULES

1. Short title and commencement.- (1) These rules may be called the Kerala Service (Second Amendment) Rules, 2023.

(2) They shall come into force at once.

2. Amendment of the Rules.- In Part III of the Kerala Service Rules, in rule 26 after sub-rule (b), the following sub-rule shall be inserted, namely:-

"(c) If a Government servant is removed from service on the reason that the officer proceeded on leave as per Appendix XII A, XII B and XII C of Part I of the KSR and failed to return after the expiry of leave, then he/she will not be eligible for compassionate allowance envisaged under Rule 5 of this rules even if he/she had more than 10 years of service to their credit on the date of removal".

By order of the Governor,

BISHWANATH SINHA IAS

Additional Chief Secretary (Finance)

Explanatory Note

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

As per rule 9 in Appendix XII-A and rule 10 in Appendix XII-C of Part I of the Kerala Service Rules those officers who absent themselves unauthorizedly without getting the leave sanctioned under these rules shall be proceeded against and their service terminated after following the procedure laid down in the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960. Rule (vi) Appendix XII-B of Part I, Kerala Service Rules says that in the case of officers who do not rejoin duty on the expiry of leave, they shall be removed from service after following the procedure laid down in the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960.



As per Rule 5 of Part III of the Kerala Service Rules, no pension may be granted to an employee dismissed or removed for misconduct, insolvency or inefficiency, but to employees so dismissed or removed, compassionate allowances may be granted when they are deserving of special consideration.

In OP (Crl) No:101 of 2017 filed by Prof. Abdul Latheef , Retired Arabic Professor, the Hon'ble High Court vide Judgement dated 14th August, 2017 pointed out that " a person who has not done any service to the society and who went abroad on long leave for his own benefits, can get pensionary benefits under our Rule. It is high time, we amend the rules to put an end to such practice of Government employees receiving pensionary benefits without rendering any service to the society. It must be put an end to, or the total period of such leave in a person's service can be ideally limited to five years, without giving seniority and other benefits. This must be seriously thought of by the Government in public interest and in the interest of the society at large". Even though necessary provisions are there to terminate the service of such employees, the chances for claiming/ allowing compassionate allowances are there under rule 5 of Part III of the Kerala Service Rules. In order to stop the claiming of compassionate allowances, the Government have decided to make necessary amendment in rule 26 of Part III of the Kerala Service Rules.

The notification is intended to achieve the above subject.

