



GOVERNMENT OF KERALA

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Abstract

PENSION—RULE 63, PART III KERALA SERVICE RULES—INCREMENT BARRED WITHOUT
CUMULATIVE EFFECT—NOTIONALLY RECKONING FOR CALCULATION OF PENSIONARY
BENEFITS—ORDERS ISSUED

FINANCE (PENSION-B) DEPARTMENT

G. O. (P) No. 380/05/Fln.

Dated, Thiruvananthapuram, 12th August, 2005.

Read:—D. O. Letter No. Co-ord. II/15-34/Vol. IX/19 dated 12-4-2002 from the
Accountant General (A&E), Kerala, Thiruvananthapuram.

ORDER

1. As per Ruling No. 4 below Rule 28A and Ruling No.5 below Rule 37(a) Part I Kerala Service Rules, the increments barred with or without cumulative effect shall not be reckoned for fixation/re-fixation of pay in the higher time scale of pay. But as per this rule, there is no objection to fixation/re-fixation of pay reckoning notionally the increment barred *without cumulative effect* and to allow the monetary benefit on expiry of the period of increment bar. Similar provision is not included in Part III Kerala Service Rules for reckoning notionally the increment barred without cumulative effect for calculation of pensionary benefits. Besides, as per note 4 below Rule 63, Part III Kerala Service Rules, only emoluments actually received by the employee can be reckoned for calculating pensionary benefits. Consequently, the effect of an increment bar without cumulative effect is the same as that with cumulative as far as pensionary benefits of the employees who undergo these different punishments are concerned. This is not considered reasonable and just.

2. The Accountant General in his letter read above has pointed out that in the absence of enabling provision in Kerala Service Rules for notional restoration of the increment barred without cumulative effect for calculation of pensionary benefits, the pensioner has to suffer recurring monetary loss. This needs to be avoided.

3. Government, after having examined the matter in detail, are pleased to order that, in the case of employees who undergo the punishment of 'increment bar without cumulative effect' immediately before retirement, and the barred increment cannot be restored, as it does not fall due before retirement, pensionary benefits shall be calculated on the basis of the pay that would have been admissible had the increment not been barred. The notional restoration of increment barred without cumulative effect shall be applicable only for the purpose of calculation of pensionary benefits, but shall not effect the punishment awarded. This shall not apply when the punishment imposed is increment bar with cumulative effect.

4. Government are also pleased to order that monetary value equivalent to the barred increments shall be recovered from his Death-cum-Retirement Gratuity, as per rule 3B of Part III Kerala Service Rules where the order to withhold increments with or without cumulative effect can not be given effect to or the period for which increment is barred can not be completed before the retirement or death of the employee.

5. These orders will take effect only from the date of this order and individual cases otherwise settled will not be re-opened.

6. Formal amendment to Rule 63, Part III, Kerala Service Rules will be issued separately.

By order of the Governor,

K. JOSE CYRIAC,
Principal Secretary (Finance).

To

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General (A & E), Kerala, Thiruvananthapuram.

All Heads of Departments and Offices/All Departments (all Sections) of the Secretariat.

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

The Registrar, University of Kerala/Cochin/Calicut (with C. L.)

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

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