



KERALA GAZETTE

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GOVERNMENT OF KERALA

Finance (Pension-B) Department

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NOTIFICATION

G. O. (P) No. 62/2010/Fin. Dated, Thiruvananthapuram, 10th February, 2010.

S. R. O. No. 238/2010.—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 (1st Amendment) Rules, 2010.

(2) Note 10 below rule 63 inserted by clause (b) of rule 2 shall be deemed to have come into force on the 1st day of March, 1997 and the remaining provisions of the Rules shall come into force at once.

2. *Amendment of the Rules.*—In Part III of the Kerala Service Rules,—

(a) after rules 56A, the following rule shall be inserted, namely:—

“56B. A Government employee who is on Leave Without Allowances under rule 88 or Appendix XII A/XII C of Part I Kerala Service Rules is also eligible to apply for voluntary retirement under rule 56 and may be given permission to take voluntary retirement under rule 56, without insisting on his rejoining duty, subject to the following conditions, namely:—

- (i) Voluntary retirement shall take effect only from the date of expiry of leave period sanctioned subject to condition (ii) below or on the date on which the employee wishes to retire, whichever is later, provided further that no person shall be allowed to take voluntary retirement with effect from a date prior to the date of receipt of application for voluntary retirement by the pension sanctioning authority.
- (ii) If the date on which he wishes to retire happens to be a date prior to the date of expiry of the Leave without Allowances sanctioned originally, the application for voluntary retirement shall be accompanied by a request to cancel the balance portion of the Leave Without Allowances, not being availed of.
- (iii) If the date on which he wishes to retire happens to be a date subsequent to the expiry of the Leave without Allowances sanctioned, the application for voluntary retirement shall be accompanied by an application to extend the Leave Without Allowances till the date of effect of voluntary retirement applied for. Such period of Leave Without Allowances, if extended, will not count for pension or any other Service benefit, except in the case of Leave Without Allowances on Medical Certificate.
- (iv) The application for voluntary retirement shall be submitted prior to the date of expiry of Leave Without Allowances sanctioned originally. Belated application shall be considered by Government only in very exceptional circumstances.

- (v) Average emoluments in such cases shall be computed following the provisions contained in *Note 3* under rule 63 Part III Kerala Service Rules, excluding periods of Leave Without Allowances and reckoning only the pay for prior periods, which qualify for pension. If any pay revision intervenes during the non qualifying period of Leave Without Allowances, the benefit of the same shall not be admissible for computing Average Emoluments. However, eligibility for minimum pension, and reckoning of number of years of qualifying service for pension will be based on the pension rules existing as on the date of effect of voluntary retirement.
 - (vi) Average emoluments in the case of those who avail of Leave Without Allowances on medical certificate under rule 88 Part I Kerala Service Rules shall be computed following the provision contained in *Note 1* under rule 63 Part III Kerala Service Rules.
 - (vii) Those who opt to take voluntary retirement under this rule shall not be eligible for weightage as specified in rule 56, (vii) Part III Kerala Service Rules, except in the case of those who avail of Leave Without Allowances under rule 88 Part I Kerala Service Rules on Medical Certificate.”
- (b) in rule 63, after Note 9 the following Note shall be inserted, namely:—

“*Note 10.*—In cases where Pay Revision Orders come into effect during the period of the last ten months of qualifying service which counts for average emoluments, pay in the pre revised scale of pay shall be enhanced notionally by adding the percentage of Dearness Allowance merged to the basic pay as per the relevant Pay Revision Orders.”

By order of the Governor,

DR. P. PRABAKARAN,

Additional Chief Secretary to Government.

Explanatory Note

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

At present the rules in Part III Kerala Service Rules are silent regarding whether those who avail of leave should rejoin duty before applying for voluntary retirement except in the case of employees who avail of Leave Without Allowance under Appendix XII A or XII C, Part I Kerala Service Rules. As per the existing orders, those who are on Leave Without Allowances for taking up employment abroad or elsewhere shall join duty at least one year before the date of superannuation. However, in certain cases, the pension sanctioning authorities have sanctioned voluntary retirement with retrospective effect to those on Leave Without Allowance under Appendix XII A or XII C, Part I Kerala Service Rules without rejoining duty on the expiry of leave, with effect from the date on which the incumbents last attended duty, which is against the relevant rules. Therefore, Government have decided to accord sanction for voluntary retirement to those employees on Leave Without Allowance under rule 88 Part I Kerala Service Rules or Appendix XII A/XII C, Part I Kerala Service Rules who opt to retire under rule 56 without insisting on their rejoining duty subject to certain conditions. As per G.O. (P) No. 3001/98/Fin. dated 25th November, 1998 and the subsequent Pay Revision Orders, for computing ten months average emoluments for calculation of pension in respect of employees who retired from service on or after 1st day of March, 1997 and who drew pay in the pre-revised scale for a part of the period of the above mentioned ten months, their pay in the pre-revised scale will be enhanced notionally by adding Dearness Allowance merged to the basic pay. To give statutory validity to the above decisions, necessary provisions have to be incorporated in Part III Kerala Service Rules.

This notification is intended to achieve the above object.

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/Mahatma Gandhi/
Agricultural University/Sree Sankaracharya University/Kannur
(with C.L.).
- The Secretary, Kerala State Electricity Board (with C.L.).
- The General Manager, Kerala State Road Transport Corporation,
Thiruvananthapuram (with C.L.).
- The NORKA Department.
- All Secretaries/Additional Secretaries/Joint Secretaries/Deputy Secretaries/
Under Secretaries to Government.
- The Secretary to Governor.
- The Private Secretaries to Chief Minister and other Ministers.
- The Private Secretaries to the Leader of Opposition and Government
Chief Whip.
- The Private Secretary to the Hon'ble Speaker.
- The Director of Public Relations, Thiruvananthapuram.
- The Additional Secretary to the Chief Secretary.
- The Director of Treasuries, Thiruvananthapuram.
- The District Treasuries/Sub Treasuries.
- The General Administration (SC) Department.
- The Public Relations Department.
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