

GOVERNMENT OF KERALA

Abstract

PENSION—FULL-TIME WORK ESTABLISHMENT EMPLOYEES ABSORBED INTO THE REGULAR ESTABLISHMENT—APPLICABILITY OF SIMPLIFIED PENSION RULES TO THOSE WHO CONTINUED IN SERVICE BEYOND 55 YEARS OF AGE, BUT WHO RETIRED SUBSEQUENT TO 1-4-1968—ORDERS ISSUED.

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FINANCE DEPARTMENT

G.O.P.No.311/71/Fin.

Dated, Trivandrum, 7-6-1971.

- Read:-
1. G.O.(P) No. 106/68/Fin. Dated 19-3-1968.
 2. G.O.(P) No. 112/68/Fin. Dated 23-3-1968.
 3. G.O.(P) No.127/68/Fin. Dated 8-4-1968.
 4. G.O.(P) No.110/68/P.W.dated 17-5-1968.
 5. G.O.(P) No.229/68/Health dated 6-6-1968.
 6. G.O.(MS)No.336/68/Agri. Dated 4-7-1968
 7. G.O.(P) No.12/69/P.W dated 14-1-1969
 8. G.O.(P)No.35/69/Health dated 31-1-1969.
 9. G.O.(P)161/PW. Dated 30-9-1969.
 10. G.O.(MS) No. 177/70/Agri.dated 18-4-1970.
 11. D.O Letter No. PRI/GI/6-68.A/2124 dated 11-2-1970 from
Shri.P.R.Renganathan,Accounts Officer,addressed to Shri.P.J.Joseph,
Deputy Secretary, Finance Department.

ORDER

In the G.O read as first paper above as amended by the G.Os read as second and third papers above, Government ordered, inter-alia in consultation with the Public Service Commission, that the full time work establishment employees of Government Departments who have been continuously in service from a date prior to 1-4-1965 will also be absorbed into regular pensionable establishment and that orders extending the benefits to the full-time Work Establishment Employees various departments will be issued separately by the respective departments. Accordingly the full-time Work Establishment Employees of Public Works, Public Health Engineering and Forest Departments were absorbed into the regular establishment with effect from 1-4-1968 as per orders issued in G.Os.(4) to (6) cited above. Subsequently, clarification orders were also issued by the concerned departments in the Goes (7) to (10) cited above as to how the period of service of those who happened to continue in service beyond 55th year of age has to be regulated for purpose of pension.1

2. According to the above orders, the superannuation age of the full time Work Establishment Employees in the Public Works, Public Health Engineering and Forest Departments who opt to come under the regular pensionable establishment has been fixed by Governments who opt to come under the regular pensionable establishment has been fixed by Government as 55 years except in the case of those coming under the category of last grade employees whose superannuation age will be 60 as in the case of last grade employees of the regular establishment. Further, the period of service of those full-time

Work Establishment employees in the Public Works and Forest Departments who were above the age of 55 and who opt to come under the Regular Pensionable Establishment (except in the case of last grade employee) will not be counted from the date of attaining the age of 55 as qualifying service for pension or other retirement benefits. Their period of service from the date of attaining the age of 55 till the date of relief from service on retirement on the basis of their option will be treated as extension of service not qualifying for pension, the payment of pension starting from the date immediately following the date on which the employee is relieved from duty.

3. But, in the case of the Work Establishment employees of the Public Health Engineering Department who were absorbed into the regular pensionable establishment, it has been ordered by Government in the G.O. read as eight paper above that the period of their service from the date of attaining the age of 55 till the date of relief is to be treated as re-employment. These orders are discriminatory and cause hardship to the employees in that their pay during the period of re-employment will have to be regulated under Rule 119, Part III Karalla Service Rules, necessity recovery of excess pay draw. As this was not contemplated at the time of issue of orders regarding their absorption to the regular establishment and as these employees are also legitimately entitled to the same concessions as granted to their counterparts in the Public Works and Forest Departments, Government are pleased to modify the orders in paragraph 2 (iii) of G.O.(P)35/69/Health dated 31-1-1969 As follows:-

“The period of service of those full-time work Establishment employees who are above the age of 55 and who opt to come under the Regular Pensionable Establishment (Except in the case of last grade employees) will not be counted from the date of attaining the age of 55, as qualifying service for pension or other retirement benefits. Their period of service from the date of attaining the age of 55 till the date of relief from service on retirement on the basis of their option, will be treated as extension of service not qualifying for pension, the payment of pension starting from the date immediately following the date on which the employee is relieved from duty:-

4 As a result of the above order absorbing the Work Establishment personnel in the Public Work, Public Health Engineering and Forest Departments into the regular establishment with effect from 1-4-1968, some of the Work Establishment employees in these departments who were so absorbed and who attained the age of 55 years before 14-11-1966, (the date of introduction of the Simplified Pension Rules) were relieved from service only after 1-4-1968. The question has therefore, come up for consideration as to how the pension rules in the Kerala Service Rules (pre simplified pension rules) according to the Simplified Pension Rules which came into force with effect from 14-11-1966. These employees have also requested Government that their pension claims may be settled on the basis of the rules in force on the date of their actual relief from service to according to the Simplified Pension Rules. The Controller of Accounts has also raised the point and has requested specific orders in the matter.

5 According to the existing orders, the period of service of the Work Establishment employees from the date of attaining the age of 55 years till the date of relief from service on retirement on the basis of their option is to be treated as extension of service not qualifying for pension, the payment of pension starting from the date immediately following the date on which the employees are relieved from duty. As

these employees have completed their 55th year age prior to 14-11-1966, their pension claims should normally be settled under the pension rules then existing. But the fact however remains that these employees have actually been relieved from service only after the Simplified Pension Rules came into force, through they attained the age of 55 years before the introduction of the Simplified Pension Rule. By opting for the pensionable establishment, they have lost the Government Contribution of the Contributory Provident Fund and the opportunity to continue in service up to their 60th year of age. Further, the number of such employees who attained the age of 55 prior to 14-11-1966 and relieved after 1-4-1968 will be comparatively small. At the time of their option, it was not specifically indicated by Government that the request of these employees to settle their pension claims under the Simplified Pension Rules is only reasonable.

6 Therefore, after considering all the aspects of the question, Government are pleased to order that the pension claims of the Work Establishment employees in the Public Works, Public Health Engineering Forest Departments who attained the age of 55 years prior to 14-11-1966 and who were relieved from service after 1-4-1968 will be settled on the basis of the rules in force at the time they actually quitted service, provided, they had opted for the regular pensionable establishment before relief from service.

By order of the Governor
P.VELAYUDHAN NAIR,
Finance Secretary

To

The Controller of Accounts, Kerala, Trivandrum
All Heads of Department and Offices.
All Departments and Sections of the Secretariat.
The Secretary, Public Service Commission (with C.L.)
The Registrar, High Court of Kerala (with C.L.)
The Registrar, University of Kerala (with C.L.)
The Registrar, University of Calicut (with C.L.)
All Officers of the Secretariat
The Secretary to Governor.
The Private Secretary to Chief Minister.
The Private Secretaries to other Ministers.