

GOVERNMENT OF KERALA
Public (Services D) Department

No.5/68.

Dated Trivandrum, 16th August 1968.

CIRCULAR

Sub:-Kerala Civil Services (Classification, Control & Appeal) Rules-Reduction in pension
–Provision in Kerala Service Rules & Kerala Civil Service (Classification, Control
And Appeal) Rules, 1960-Clarification.

Ref:- Letter No. PRI/G1/6-58/67-68,513 dated 13-12-1967 from the Controller of
Accounts.

The Controller of Accounts has in his letter cited pointed out that whereas Rule 13 (1) (a) of the Kerala Civil Service (Classification, Control and Appeal) Rules, 1960 lays down that the authority which may impose the penalty of reduction of pension of an officer shall be the Government or the authority competent to sanction pension, ruling (1) below rule 67 (b) of part III Kerala Service Rules lays down that Government have not delegated the power to reduce pension to subordinate authorities. He is therefore of the view that these provisions in Kerala Service Rules and in the Kerala Civil Services (Classification, Control and Appeal) Rules appear to be contradictory since according to the provision under Rule 13(1) (a) of the Kerala Civil Service (Classification, Control and Appeal) Rules 1960, even subordinate authorities, if they are disciplinary authorities, can order reduction of pension.

2 Government wish to clarify that the provisions for reduction of pension provided for in the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960 and Kerala Service Rules are different in nature. The K.C.S (CC&A) Rules, 1960 are not applicable to retired Officers. Action for imposing the penalty of reduction from pension under the K.C.S. (CC&A) Rules has to be initiated before an officer retires from service. Further, the penalty can be imposed only after holding an enquiry, as far as may be, in the manner provided for in Rules 15 of the K.C.S (CC&A) Rules. But Rule 67 (b) of part III of Kerala Service Rules is applicable to retired Officers as well and is usually invoked only in cases where it has not been possible initiate action under the Kerala Civil Services (Classification Control and Appeal) Rules before an Officer retired from service, or if the service of a retired officer has not been found to be thoroughly satisfactory. It does not provide for an elaborate enquiry before taking action and the officer concerned need be given only an opportunity to explain and vindicate himself. Thus the power under rule 67 (b) Part III of Kerala Service Rules is distinct and separate from the power under Kerala Civil Service (Classification, Control & Appeal) Rules, 1960.

C.P.RAMAKRISHNA PILLAI,
Joint Secretary.

To

All Heads of Departments and Officers.

All Departments (all section) of the Secretariat including Law, Legislature and Finance.

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

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

The Secretary, Vigilance Commission (with C.L)

The Registrar, High Court, Ernakulam (with C.L)

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

The Advocate General, Ernakulam (with C.L)

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

The Controller of Accounts, Trivandrum