

GOVERNMENT OF KERALA
Abstract

KERALA STATE AND SUBORDINATE SERVICES RULES , 1958
AMENDMENTS TO GENERAL RULES 28 AND 29- ISSUED

PUBLIC (RULES) DEPARTMENT

G.O (P) NO . 46/76/PD.

Dated . Trivandrum , 13th February 1976

NOTIFICATION

S.R. O N O . 214/76 – 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 there of the Government of Kerala hereby make the following further amendments , to the Kerala State and subordinate Services Rules , 1958 , namely ;-

AMENDMENTS

In part II of the said Rules ;-

1. In rule 28 , for clause (I) of sub –rule (b) and the note there under , the following shall be substituted , namely ;-

(b) (i) Promotion and appointment by transfer according to merit and ability – Appointments to a selection category or grade in a service or class shall be made from a select list prepared from among members eligible for appointment to such category or grade in accordance with these rules and the special rules on the basis of merit and ability , seniority being considered only where merit and ability are approximately equal . The select list shall be prepared in the manner indicated herein.

(1) Selection of Candidates for appointment to selection categories or grades shall be made by Department Promotion Committees constituted for each Department .

(2) A Department al Promotion Committee shall consist of a members of the P public Service Commission and -

(a) In the case of a department al Promotion committee for selection to a post other than the lowest post in the state service , the appointing authority or in case the appointing authority is the Government a nominee of the Government , and the Head of the Department concerned

(b) In the case of a Department al promotion committee for selection to the lowest post in the State Service , the appointing authority for the post and a nominee of the Government who shall be the joint Secretary or the Deputy Secretary in charge of the administration of the Department concerned

(3) The Member of the Public Service Commission shall be the Chairman of the Departmental promotion Committee shall be the appointing authority .

(4) The Committee shall meet periodically to prepare select lists in the order of merit of the Officers selected for appointment. The Committee may also hold adhoc meetings for the purpose of making selections to particular vacancies whenever occasion arises. The criterion for assessment of merit shall be the confidential reports of the officers. The Confidential reports of the officers for at least the proceeding three years shall be made available to the Committee for this purpose. Where remediable adverse remarks recorded in the confidential report of a Government servant are not communicated to the officer concerned, such remarks shall be ignored by the Departmental Promotion Committee while considering his case for promotion. The crucial date for preparing select lists shall be the 31st March of the year concerned unless otherwise ordered by the Government.

(5) On matters in respect of which there is difference of opinion the views of the majority of the members of the Committee shall prevail provided that where the member of the Public service Commission requires that the Public Service Commission shall be consulted before final recommendation is made, such consultation shall be made.

(6) The Departmental Promotion Committee shall first decided the field of choice that is the number of eligible officers awaiting appointment who should be considered for inclusion in the "Select list". provided, however, that an officer of outstanding merit, and his seniors, it any, in the category or grade may be included in the list of eligible even if he or such seniors are outside the normal held of choice.

Note :- The field of choice shall as far as possible be thrice and at least twice the number of vacancies expected within a year plus the number of the superseded officers of the previous year. For example, if there are two anticipated vacancies and the number of superseded officers of the previous years is 4, the panel for the field of choice shall normally contain 10 names (6+4) or at least 8 (4+4).

(7) The Select List shall be prepared from among the eligible officers on the basis of merit and ability seniority being a consideration only when all the qualifications are equal. The number of names to be included in the Select List shall be the same as the estimated number of vacancies likely to arise during the year. Supplemental lists may be prepared in case the lists already prepared get exhausted before the close of the year to which they relate so as to obviate the necessity for convening meetings of Departmental Promotion C committees at short notice or keeping of posts unfilled and there by causing administrative inconvenience. Persons is the lower category or grade.

Note :- (i) Officers under suspension and Officers against whom criminal proceedings are pending in a Seasons Court or in any other higher Court for grave Offences like murder, dacoity etc and Officences against whom departmental proceedings are taken for the imposition of a major penalty under the disciplinary rules applicable to them should not be included in the select list

. But the suitability of such an Officer for promotion should be assessed at the relevant time by the Departmental Promotion Committee and a finding reached whether, if the Officer had not been suspended or the criminal proceedings /departmental proceedings had not been pending against him he would have been recommended /selected for promotion . Where a select list is prepared the Departmental Promotion Committee shall also make a finding as to what the position of the Officer in that list would have been but for the suspension or the criminal proceedings /departmental proceedings against him . The findings as to the suitability and the place in the select list of the officer should be recorded separately and attached to the proceedings in a sealed cover. The Proceedings of the Departmental Promotion Committee need only contain a note ‘ The authority competent to fill the vacancy should be separately advised to fill the vacancy only on a temporary basis

- (ii) The vacancy that would have gone to the Officer but for his suspension or the criminal proceedings /departmental proceedings against him should be filled only on a temporary basis by the next person in the approved list . If the Officer concerned is completely exonerated he will be promoted thereafter to the post filled on a temporary basis the arrangements made previously being reversed. If the exoneration is not complete the Departmental Promotion Committee may decide each case on its merits. Where, however the post which would have gone to the Officer but for his suspension or the Criminal proceedings /departmental proceedings against him , ceases to exist before the conclusion of the disciplinary proceedings . he will be promoted to the first vacancy that may be available in future if he is found fit for promotion at that time
- (iii) Officers whose names are included in the select list but who are subsequently placed under suspension or against whom criminal proceeding /departmental proceeding of the type referred to in Note (i) above have been initiated in the select list until they are completely exonerated of the charges against them . If the Officer is completely exonerated of the charges . he will be promoted on the basis filled on a temporary basis pending disposal of the charges against him . If the exoneration is not complete , the Departmental Promotion Committee may consider each case on its merits .
- (iv) A Censure under rule 11 (1) of the Kerala Civil Services (Classification Control and Appeal) Rules 1960 or a warning awarded or proposed to be awarded to an Officer need not be taken into account while considering his case for promotion

under Notes (iii) above .

- (8) (a) The select list prepared by the Departmental Promotion Committee in the manner referred to above shall be published by the convener of the Committee after approval by the Government . Normally no revision of such select list shall be made under rule 29 on the basis of re-evaluation of the confidential reports . However , if any officer who has been superseded and whose name has not been included in the list makes within one month from the date of publication of the list , a written representation to the Convener of the Departmental Promotion Committee requesting a revision of the list , the Committee shall consider the representation . After going through the representation , if the Committee feels that some clarification should be obtained from the superseded Officer by personal hearing , it may do so and on the basis of such representation and personal hearing if it is of the view that the list already prepared should be revised it may make a recommendation to that effect . The list shall then be revised accordingly and published by the Convener after approval by the Government .

Note :- Promotions from the first list published by the Department al promotion Committee shall be provisional and the list will be subject to revision if after following the procedure , it is found that the list requires revision .

- (b) Wherever exceptional Government consider that there are circumstances which warrant a departure from the advice of the Department al Promotion committee in the public interest the Departmental Promotion Committee shall be given a fresh opportunity to consider the Proposals of the Government to revise the select list . If on receipt of the recommendation of the Departmental Promotion Committee , Government still feel that there are exceptional circumstances which warrant a departure from the advice of the Department al Promotion Committee in the public interest they may take a decision accordingly .In that case it will be open to the Public Service Commission to include the matter in the Annual Report .

(9) The Select List shall be reviewed annually and it shall remain in force until it is revised Names of those Officers who have already been appointed shall be removed from the list and the rest of the names along with those Officers who may now be included in the field of choice shall be considered for the "Select list " for the subsequent period . A person included in an earlier select List , shall however be ranked above a person such inclusion renders it necessary that he should be placed lower in the list . or his name may be omitted that the list , if there is definite deterioration in the work and conduct of the Officer subsequent to his inclusion in the select list for the previous year as the case may be .

(10) The claims of a person who qualifies himself for a post . after the select list in respect of that post has been prepared but before the date of occurrence of the vacancy in the higher post shall not be over looked .

(11) The select list shall be reviewed and revised for the purpose of sub-clause (10) in cases where the acquisition of an extra qualification or the gaining of a prescribed period of experience is insisted on as conditions precedent to the selection to the higher post . In such cases the following procedure shall be followed.

The Convener of the Departmental Promotion Committee concerned should bring to the specific notice of the Committee the case of all senior hands who are being overlooked in drawing up the select list for want of qualification or experience and who are likely to acquire that qualification or experience during the pendency of the list. The select list drawn up at the meeting shall be treated as provisional to the extent to which it relates to the junior hands included in the select list whose seniors are likely to become fully qualified during the pendency of the list. . when such senior hands acquire the qualification and or experience which would make them eligible for appointment, the Convener shall take early steps for the convening of an adhoc meeting of the Departmental Promotion Committee and after considering the claims of such person revise, if necessary, the provisional portion of the select list. The provisional portion of the select list, if revised, shall be made absolute following “ the procedure laid down in the sub clause (8) above the process repeated wherever necessary.

Note;- As a person included in the earlier select list shall be ranked above a person considered for subsequent list, unless his word and conduct subsequent to such inclusion renders it necessary that he should be placed lower in the list the calculating of anticipated vacancies for purpose of preparing annual or supplemental select lists shall be done as accurately as possible.

(ii) Claims of persons previously omitted from the list shall be considered whenever new lists are prepared.

(12) The recommendations made by the Departmental Promotion Committees shall be treated as recommendations having the approval of the Public Service Commission, and the convention regarding acceptance of the advice of the Commission shall apply to them. In cases where the Commission has been consulted, the convention regarding consultation with the Commission shall similarly apply to the final recommendations made by the Commission.

(13) Candidates belonging to Scheduled Castes and Scheduled Tribes shall not be superseded for appointment to Selection categories, or grades by the application of too rigid a standard of suitability. The Departmental Promotion Committees may consider the case of such candidates sympathetically by relaxing the standard of suitability where possible and only the claims of those whom the committee considers unsuitable even by the relaxed standards should be superseded for appointment to such selection categories or grades.

2. In rule 29, for the words “An order appointing a member of a service class” the following shall be substituted, namely;-

“ Subject to the provision of the para (a) of sub clause (8) of clause (i) of sub rule (b) of rule 28 an order appointing a member of a service or class. “

By order of the Governor,
ZACHARIA MATHEW,
Special Secretary.

Explanatory Note

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

In G O (P) No. 420/67/pd dated 29-12-1967 Government prescribed the principles and procedure for making promotions to selection posts for which selection is made by Departmental Promotion Committees. It is considered necessary to give statutory validity to the above executive orders by incorporating necessary provisions in the Kerala State and Subordinate Services, Rules, 1958. This notification is intended to achieve the above object.

To

All Heads of Department and Offices
All Departments of the Secretariat (all sections)
The Secretary, Kerala Public Services Commission, Trivandrum (with CL)
The Registrar, University of Kerala, Trivandrum
The Registrar, University of Calicut, Calicut
The Registrar, University of Cochin, Cochin
The Registrar, High Court, Ernakulam
The Advocate General, Ernakulam
The Registrar, Kerala Agricultural University, Trichur
The General Manager, Kerala State Road Transport Corporation, Trivandrum
The Secretary, Kerala State Electricity Board, Trivandrum
The Accountant General, Trivandrum
The Secretaries, Additional Secretaries, Joint Secretaries Deputy Secretaries, and Under Secretaries to Government
The Secretary to Governor
The Private Secretaries to the Chief Minister and other Ministers
The Public (Services B) Department
The Public (S. C) Department
The Stenographer to the Chief Secretary
All Recognised Service Associations.