

PUBLIC SERVICES – RELINQUISHMENT OF RIGHTS BY MEMBERS –
ACCEPTANCE OF - GUIDE LINES - ISSUED

PERSONNEL & ADMINISTRATIVE REFORMS (RULED) DEPARTMENT

G.O. (P) No. 8/89/ P & ARD.

Dated, Trivandrum, 12th April 1989

ORDER

According to Rule 38 of Kerala State and subordinate Service Rules, 1958, persons in Government Services may in writing, re-linquinsh any right or privilege to which he may be entitled under the Kerala State and Subordinate Services Rules, 1958 or the special Rules, if it is not opposed to public interest and the right so relinquished shall not be deemed to require the recognition of any right or privilege to the extent to which it has been so relinquished.

The explanation under Rule 38 further required that in the case of promotion/appointment the relinquishment will entail loss of seniority.

3. It has come to the notice of Govt. that the appointing authorities are not following the statutory provision in the Rules while accepting the relinquishment of any right or privilege made by the persons in service. Consequently it occurs more often than not, that even conditional relinquishments are often accepted and orders issued. There have been many cases of writ petitions being filed by the employees later to recognize the right so relinquished. This has been causing much inconvenience to Government.
4. Government consider that a uniform procedure must be adopted by the appointing authorities in the matter of relinquishment made by employees. In the circumstances, the following guidelines are prescribed for the proper guidance of the appointing authorities as well as employees:-
 - (i) No relinquishment which is opposed to public interest should be accepted.
 - (ii) In the case of temporary appointment/promotion relinquishment can be accepted for specific period subject to the condition that the juniors temporarily promoted during the period of re-linquinshment of the seniors will have superior claims for continuance in the promoted post and for other benefits attached to the higher posts.
 - (iii) The conditional relinquishment of right for promotion/appointment by the employees is not in public interest and there for not legal and permissible. It should not be accepted.
 - (iv) In the case of regular promotion/appointment can be accepted for a specific period or permanently. The seniority will be lost to the extent to which it has been so relinquished.
 - (v) The appointing authorities should make necessary entries to the effect in the Service Books of the employees and the fact intimated to the Accountant General then and there for favour of information and necessary action.
 - (vi) A Statement of relinquishment (in triplicate) as prescribed in the proforma appended to this order may invariably be obtained from those employees who wish to relinquish promotion/appointment.

By order of the Governor,
S. NARAYANA SWAMY
Chief Secretary Government.

/True copy/

Copy to All Divisional Forest Officers for information.

They are directed to communicate the copy to all Sub-Offices with necessary instructions.

Copy to E1 Section.

Copy to Circulate among staff.

Copy to Stock File in E2 Section.

Sd/-
Conservator of Forests,
Trichur-20

Approved for issue/

Jr. supdt.

Avk/16.6

APPENDIX

STATEMENT OF RELINGUISHMENT

The exercise of the right conferred under Rule 38 of Kerala State and subordinate Services Rules, 1958 I (H.E. Name and Designation) hereby relinquish my right for promotion/appointment as (Name of Post) and consequent benefits permanently or for a period of (Specify the month or year as the case may be) from.....to.....My claim for promoted /appointment as may be considered after the above said period when I make a written request for the name.

I do also hereby declare that nothing contained in the Kerala state and subordinate service Rules, 1958 or in the Special Rules applicable to me shall be deemed to require the recognition of my right or privilege to the extent to which I have so relinquished.

Signed on the day of.....19.....

Signature:
Name:
Designation:
Office:

Place:

Witnesses:-

1. Signature:

Name and Designation.

2. -do-

-d0-

FOR OFFICE USE

The relinquishment made by Shri/Smt.....(Name(Designation).....(Office).....is accepted....

Necessary entries to the effect will be made in the Service Books of the individual.

Signature

Place:

Name and Designation of Appointing Authority

Date:

/True Copy/
Junior Supdt.

Avk/16.6