

Kerala Gazette No. 31 dated 1st August, 1978.

PART I

Section iv

GOVERNMENT OF KERALA

Abstract

KERALA PUBLIC SERVICE COMMISSION (COMPOSITION AND CONDITIONS OF SERVICE OF MEMBERS AND STAFF) REGULATIONS, 1957- AMENDMENT TO CLAUSE (5) REGULATION5-ISSUED

GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

G.O. (Ms.) No. 334/78/GAD

Dated, Trivandrum, 15th July 1978.

NOTIFICATION

S.R.O. No. 746/78-In exercise of powers conferred by article 318 of the Constitution of India the Governor of Kerala hereby makes the following amendment to the Kerala Public Service Commission (Composition and Conditions of Service of Members and Staff) Amendment Regulations 1957, Namely:-

(ii) They shall come into force at once.

2. amendment to regulation 5.- In regulation 5 of the Kerala Public service Commission (Composition and Conditions of Service of Members and staff) Regulations, 1957, for clause (5), the following clause shall be substituted, namely:-

(5) (i) The leave at the credit of the Chairman or any other Member shall lapse on the date on which he vacates the office:

Provided that if , in the requirements of the Public Service, the Chairman or any other Member is or has been refused leave preparatory to the expiry of his term of office, he may for the hardship caused by such refusal, be granted compensation for leave so refused subject to the condition that such compensation shall be granted in respect of not more than one hundred and twenty days of leave refused, and the amount of such compensation shall be determined in the manner hereinafter set out and paid to the Chairman or any other Member in equal monthly installments not exceeding four.

(ii) For the purpose of determining the amount of compensation payable to the Chairman or any other Member under sub-clause(1) the total amount of-

(a) the leave salary that the Chairman or the Member as the case may be, would have drawn if the leave had not been refused ; and

(b) the pension (including the pension equivalent of other retirement benefits) to which the Chairman or the Member, as the case may, is entitled from the date of vacation of office for a period equivalent to the period of leave refused,

shall be calculated separately and the total amount of pension (including the pension equivalent of other retirement benefits) referred to in paragraph (b) shall then be deducted from the total amount of leave salary referred to in paragraph a) and the balance shall be the amount of compensation payable to the Chairman or the Member, as the case may be, under sub-clause (i)".

By order of the Governor,
ZACHARIA MATHEW,
Special Secretary

Explanatory Note

(This note is not part of the amendment, but is intended to indicate its general purport)

According to the existing clause (5) of the Kerala Public Service Commission (Composition and Conditions of service of members and staff) regulations, the Chairman or a Member of the Commission shall, if leave is refused to him in public interest, be granted leave beyond the date of retirement from the Commission as compensation for the leave refused in public interest, subject to a maximum of four months. On examination of the question of grant of refused leave to Members of the All India Services appointed as Chairman or Member of the Public Service Commission, the Government of India have been advised that refused leave is a contradiction in terms and should not, therefore, be allowed to the Chairman and Members of the Commission; but that a provision for payment of a lump sum equal to the leave salary, which would have been paid to such Chairman or Member, had been allowed to avail of the refused leave prior to his appointment as Chairman or Member of the Commission would not be unconstitutional. On the basis of this advice the Central Government have already amended the Union Public Service Commission (Members) Regulations, 1969 providing for compensation to Chairman and Members of the Union Public Service Commission in lieu of refused leave. That Government have desired that similar provision may be made in the State Regulations as well. Government have decided to accept this suggestion and to amend the Kerala Public Service Commission (Composition and Conditions of Service of Member and Staff) Regulations, 1957 accordingly. This notification is intended to achieve the above object.

To

All Heads of Departments and Offices
All Department (all sections) of the Secretariat
The Secretary, Kerala Public Service Commission (with C.L.)
The Registrar, High Court of Kerala Ernakulam " "
The Registrar, University of Kerala/Calicut Cochin " "
The Registrar, Agricultural University Trichur " "
The Advocate General Ernakulam " "
The Secretary, Kerala State Electricity Board " "
The General Manager, Kerala state Road Transport Corporation " "
The Secretary to Governor
The Private Secretaries to the Chief Minister and other Ministers
The Under Secretary to Chief Secretary.