

GOVERNMENT OF KERALA

General Administration (Services-D) Department

C I R C U L A R

No.119890/SD1/82/GAD.

Dated, Trivandrum, 9th January, 1984.

Sub:- Public Services – Temporary (Provisional) Employees – Judgment of the Kerala High Court in W.A.No.201/83 – Retrenchment – Further instruction issued.

Ref:- Government Circular of even No. dated 31-10-1983 and 05-12-1983.

Government in circular dated 31-10-1983 have given directions to all Heads of Department/Appointing Authorities that as the operation of Kerala Public Services (Amendment) Ordinance, 1983 is under stay by a Division Bench of the Kerala High Court, the decision of the Full Bench in O.P.No.3859/81 shall prevail and that the provisional employees can therefore be relieved only in accordance with the order of juniority of the employees as provided in the Industrial Disputes Act.

The High Court of Kerala (Division Bench) has, on 01-12-1983 upheld the Kerala Public Services (A) Ordinance, 1983 in W.A. No.201/83 and thereby rejected the contention of the petitioners that they are governed by the provisions of I.D. Act. The Ordinance has since been replaced by an Act of the legislature. As the matter stands at the present the Government employees are governed exclusively by the Kerala Public Service Act and the rules made there under.

In the circular even No. dated 5-12-1983 Government have directed all Heads of Departments etc. that following the Judgment of the Supreme Court in the Writ O.Ps filed by the temporary (Provisional) employees appointed under Rule 9(a) (i) of the General Rules should be terminated by appointing nominees of the Kerala Public Service Commission immediately. Government also directed that as long as the rank list of selected candidates prepared by the Public Service Commission for appointment to various posts are in force, no appointment should be made to such posts except by appointment of candidates included in the rank list.

In the light of the above, Government now direct all Heads of Departments and Appointing authorities that the termination of the service of temporary (Provisional) employees appointed under Rule 9 (a) (i) of the General Rules to accommodate regular nominees of Public

Service Commission shall be in the order of seniority I.e. the person first appointed should be relived fist as laid down in G.O.(P)No.324/73/PD dated 22-12-1973.

R.GOPALASWAMY
Chief Secretary

To

All Heads of Departments and Offices
The Chief Executives of Public Sector corporations and Companies
All Departments (all sections) of the Secretariat
The Secretary, Kerala Public Service Commission With C.L.
The Registrar, High Court of Kerala, Ernakulam. ``
The Registrar, Universities of Kerala/Calicut/Cochin ``
The Registrar, Kerala Agricultural University, Trichur ``
The Advocate General, Ernakulam. ``
The Secretary, Kerala State Electricity Board ``
The General Manager, K.S.R.T. Corporation, Trivandrum ``
The Secretary to Governor
The Private Secretaries to Chief Minister and other Ministers
The Private Secretary to the leader of Opposition, M.L.A. Hostel, Trivandrum .
The Private Secretary to the Speaker, Legislative Assembly, Trivandrum.
The Deputy Secretary, Office of the Chief Secretary.