

**GOVERNMENT OF KERALA**  
**Abstract**

**PENSION—CALCULATION OF AVERAGE EMOLUMENTS COUNTING OF  
OFFICIATING PAY—AMENDMENTS—ISSUED.**

FINANCE DEPARTMENT

**G.O.(P)No.70/65/Fin.**

**Dated,Trivandrum, 20<sup>th</sup> February 1965.**

Read:-

1. D.O.Letter No. CAG/163 dated 14-11-1961 from the Comptroller and Auditor General of India addressed to the Chief Minister, Kerala.
2. U.O Note No.PRI/GI/6-44/Vol.5/2768/62/63/844 dated 25-10-1962 from the Accountant General.
3. Letter No. PR/GI/6-44/Vol.9/2688 dated 2-1-1965 from the Accountant General, Kerala.

**ORDER**

According to the existing provisions in Rule 70, Part III, Kerala Service Rules, 'Officiating Pay' is not reckoned in the calculation of death-cum-retirement gratuity. So also, under Rule 72, Part III – Kerala Service Rules, only a part of the 'Officiating Pay' is counted for purposes of calculation of pension even in the case of officers having substantive appointments, who retire after officiating continuously in higher post(s) for a long period. The question of modifying the provisions in the Kerala Service Rules to the advantage of officers who held permanent posts in substantive capacity but retire from officiating or temporary appointments of higher grades of pay has been engaging the attention of Government for sometime past. Having considered all aspects of the matter against the background of the amended rules in the Government of India Central Service Rules in this respect, Government are pleased to order that the relevant provisions in the Kerala Service Rules shall be amended on the following lines:-

- (i) In the case of an officer who holds a permanent post in substantive capacity but retires after officiating in a higher permanent post or holding a higher temporary post continuously for not less than three years, his emoluments for pension/death-cum-retirement gratuity in respect of the higher post for any period beyond three years' continuous service in that post shall be determined as if he held in substantive capacity a permanent post on a time scale identical with that of the higher post.
- (ii) Where an officer, who held a permanent post in substantive capacity, has at any time during the last three years of his service officiated in a higher post(s) and or held a higher temporary post(s) one half of the difference between his substantive pay and the pay drawn in higher post(s) shall be reckoned for purposes of calculation of pension/death-cum-retirement gratuity.

Accordingly the following notification of the amendments to the Kerala Service Rules will be published in the next issue of the Gazette.

## NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Kerala hereby makes the following amendments of Kerala Service Rules, namely:-

### Amendments

(C.S.No.52/65/Fin.dated,Trivandrum,20-2-1965)

In Part III of the said Rules:-

- I. for rule 70, the following rule shall be substituted, namely:-  
“70. The term “emoluments” when used in this part means the emoluments which the officer was receiving immediately before his retirement and included:

- (a) Substantive pay
- (b) Personal pay
- (c) Fees or commission, if they are authorized emoluments of an appointment in addition to pay.  
In this case, ‘emoluments’ means the average earning for the last six months of service.
- (d) Special pay
- (e) Dearness pay
- (f) Save as otherwise provided in rule 70(A), One half of the difference between the substantive pay and the pay drawn in higher officiating or temporary appointments.
- (g) One half of the officiating/temporary pay drawn in cases where an officer retires before the expiry of three years after first confirmation in any post; and the full pay drawn in the contingency/work establishment in cases where an officer who having been absorbed into the regular establishment from the contingency/work establishment retires before completing three years service in the regular establishment.

#### Explanation:

**Dearness pay mentioned in the rule means the dearness pay the officer was actually in receipt of.**

*Note* :-(1) The definition of the term “emoluments” as used in Clause ( c) of this rule applies to the case of gratuity only and not to pension. In cases in which fees or commission are drawn in addition to pay, pension should be calculated on “average emoluments” as defined in rule 71.

*Note* :-(2) In the case of an officer, who has substituted medical certificate of incapacity for further service while on leave other than earned leave, the period of leave up to the date of the termination when that is later than the date of the medical certificate should be taken into account for the purpose of calculation of average emoluments.

*Note* :-(3) In the case of an officer who has been granted leave preparatory an

increment and who during the currency of the leave earns an increment which is not with-held, the officer is entitled to count the pay which he would have drawn had he remained on duty as " emoluments" even though the increase in pay is not actually drawn during leave.

*Note:-*(4)

In the case of an officer, who immediately before his retirement or Death, has been absent from duty on leave with allowances, his emoluments for the purpose of calculating service gratuity and/or death-cum-retirement gratuity should be taken at what they would have been had he not been absent from duty; provided that the amount of gratuity is not increased on account of increase in pay not actually drawn; provided further that the benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

*Note:-*(5)

In the case of an officer, having a substantive appointment and who while officiating in a higher post carrying a special pay granted in lieu of a higher time scale of pay is promoted to officiate in a post on a higher time scale of pay and eventually retire from the last post, the special pay attached to the lower officiating appointment which he would have continued to draw but for the promotion and which under the rules would count for pension will also be taken into account in calculating the emoluments and average emoluments for gratuity and pension.

II. After rule 70, the following rule shall be inserted, namely:-

“70-A (1) If an officer holding a permanent post in a substantive capacity-

- (a) Officiates in a higher a permanent post or holds a higher temporary post continuously for not less than three years and retires or dies while so officiating or holding the higher post; or
- (b) Is confirmed in such higher permanent post at any time during the last three years of his service after having officiated in that post continuously for three years or more;

His emoluments for the length of continuous service in respect of the higher post for any period beyond three years continuous service in that post shall be determined under rule 70 as if he held in substantive capacity a permanent post on a time scale identical with that of the higher post.

- (2) for computing the length of continuous service in respect of the higher post under clause(I), all kinds of leave, all periods during which an officer officiated in a permanent post or held a temporary post on identical or higher time scale, and the time spent on deputation and foreign service shall be included; provided that it is certified that but for his proceeding on leave or serving in other post(s) or going on deputation or foreign service, as the case may be, the officer concerned would have officiated in or held the higher post”.

- III. After the proviso in note I under rule 71 the full stop shall be substituted by colon and the following proviso shall be added namely:-  
“Provided further that the benefits of officiating or temporary pay is given only if it is certified that he would have continued to officiate in the higher permanent post or held the higher temporary post but for his proceeding on leave”.
- IV. Rule 72 shall be deleted.

These amendments shall be deemed to have come into force with effect from the 1<sup>st</sup> January 1964.

By order of the Governor,  
C.THOMAS,  
*Finance Secretary.*

To

The Accountant General, Kerala.  
All Heads of Departments and Offices.  
All Departments and Sections of Secretariat.  
The Secretary, Public Service Commission(with C.L)  
The Registrar of High Court (with C.L)  
The Registrar, University of Kerala, Trivandrum (with C.L)  
The Personal Clerk of Chief Secretary.  
The Director of Public Relations.  
The Secretary to Governor.  
The Private Secretaries to Advisers.  
The Secretaries, Under Secretaries, Addl.Secretaries, Joint Secretaries,  
Dy.Secretaries and Asst.Secretaries to Government.  
The Superintendent of Government Presses, Trivandrum.