

GOVERNMENT OF KERALA

Abstract

KERALA PUBLIC SERVICE COMMISSION (CONSULTATION AND
CONDITIONS OF SERVICE OF MEMBER 7 STAFF) REGULATIONS,
1957 – AMENDMENT - ISSUED.

PUBLIC SERVICE (D) DEPARTMENT

G.O. (Ms.) No. 248/76/PD.

Dated, Trivandrum, 30th July 1976.

NOTIFICATION

S.R.O. No. 859/76 – In exercise of the 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) Regulations, 1957, as subsequently amended, namely:-

AMENDMENT

In the said regulations, after regulation 7 a, the following regulation had be inserted namely:-

“7B. The amendments made to these regulations by the notification issued under G.O. (MS) No. 213/75/PD dated the 30th September, 1975 and published as S.R.O. No. 955/75 in Part I of the Kerala Gazette No. 42 dated the 28th October 1975, shall not have effect so as to give a member who has been serving as such at the commencement of those amendments less favorable terms in respect of his allowances or his rights in respect of leave of absence or pension than those to which he would have been entitled if the said amendments had not been made.”

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

Explanatory Note

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

In the case of P.K Gnana Sundara Mudaliar vs State of Madras the Madras High Court has held that when a Government Servant is appointed as a Member or Chairman of a Public service Commission ceases thenceforth to be in the service of the Government. Based on the above judgment and in accordance with the suggestions of the Government of India, this Government issued orders in G.O. MS. No. 213/75/PD .DATED 30.9.1975 amending the Kerala Public Service Commission (Compositions and Conditions of Service of Members and Staff) Regulation, 1957, Member who was holding a post under the Government of India or the Government of a State when he is appointed as Chairman or Member.

As per the proviso Article 318 of the Constitution of India conditions of service of a member of a Public Service Commission shall not be varied to his disadvantage after his appointment. The Government of India have also issued revised Union Public Service

Commission ***** based on the High Court Judgment including necessary saving to the effect that nothing contained in those Regulations shall have effect so as give to a Member who is serving as such at the commencement of those Regulations, less favorable terms in respect of his allowance his rights in respect of leave of absence or pension than those to which would have been entitled if those Regulations had not been made. It is therefore decided that similar saving clause may be included in the Kerala Public Service Commission (Composition and Conditions of service Members and Staff) Regulation, 1957 also with reference in the amendment issued in G.O. MS. 213/75/PD. Dated 30.9.1975.

The notification is intended to achieve the above object.

To

All Heads of Departments and Offices.

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, University of Kerala, Calicut/Cochin

The Registrar, Kerala Agriculture University, Trichur (with C.L)

The Advocate General Ernakulam (with C.L)

The Secretary, Kerala State Electricity Board (with C.L)

The General Manager, Kerala State Road Transport Corporation, Trivandrum
(with C.L)

The Secretary to Governor.

The Private Secretaries to the Chief Minister and Other Ministers

The Stenographers to the Chief Secretary and Additional Secretary.