

GOVERNMENT OF KERLA
Abstract

RULES-KERALA SERVICE RULES-PART III-RECOVERY OF MONETARY
VALUE OF INCREMENTS WITHHELD-INSERTION OF NEW RULE 3B-ORDERS
ISSUED

FINANCE (PENSION) DEPARTMENT

G.O.(P) No. 131/77/Fin.

Dated, Trivandrum, 18th April 1977.

NOTIFICATION

S.R.O. No.465/77- In exercise of the power conferred by subsection (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following amendment to the Kerala Service rules, namely:-

AMENDMENT
C.S.No. 320/1977

In Part III of the said rules, after rule 3A and the note there under the following rule shall be inserted, namely:-

“ 3B. Notwithstanding anything contained in these rules, the monetary value equivalent to the amount of increments ordered to be withheld from an employee may be recovered from the death –cum-retirement gratuity of the employee where the order to withhold increments could not be given effect to before the retirement or death of the employee

By order of the Governor,
F. PIUS,
Deputy Secretary.

Explanatory Note

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

An officer filed an O .P. in the High Court challenging the validity of effecting recovery of the amount representing the monetary value of the increments with held by way of penalty while he was in service, from the death- cum-retirement gratuity payable to him. The High Court after considering the scope of Rule 3 part III, Kerala Service Rule held that neither the liability in this case is a liability of the nature referred to in Rule3, Part III, Kerla Service Rules not the petitioner was given an opportunity to explain as indicated in the note to rule 3. Therefore the High Court allowed the O.P.and quashed the letter of the controller of Accountant ordering the recovery. There upon court ordered that the petitioner should be paid gratuity due to him.

In this connection the Law Department has advised to insert an independent rule after rule 3A of Part III, Kerla Service rules empowering the government to recover such amount from the death- cum-retirement gratuity of an employee. Hence the necessity for making the above amendment.

To.

The Accountant General, Kerala, Trivandrum.
All Heads of Departments and offices.
All Departments (all sections) of the Secretariat.
The Secretary, Public service Commission,
The Registrar, High Court of Kerala, Ernakulam (with C.L)
The registrar, University of Kerla/ Calicut and Cochin (with C L)
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 TVM (with C L)
The Secretary to Governor.
The Private Secretary to the Chief Minister and other ministers.
The Stenographer to the Chief Secretary and Additional Chief Secretary