

Kerala Gazette No. 34 dated 31st August 1965.

PART I

GOVERNMENT OF KERALA

Abstract

RULES—KERALA SERVICE RULES—DRAWAL OF INCREMENTS—RULE 31, PART I—
AMENDMENT ISSUED.

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FINANCE (RULES) DEPARTMENT

G.O. (P) 334/65/Fin.

Dated, Trivandrum, 24th August 1965.

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- Read:* 1. Letter No. D1-8461/63 dated 24-2-1965 from the Registrar, High Court, addressed to the Secretary to Government, Home Department.
2. Letter No. TM. VIII/12-28/Pay/Vol. V/42 dated 3-6-1965 from the Accountant General

ORDER

According to rule 31 of Kerala Service Rules, Part I, an increment shall ordinarily be drawn as a matter of course unless it is withheld. Under Note 1 to the said rule, the High Court may sanction the increment of pay to Officers of the Judicial Service holding posts inferior to the posts of District Judge which also includes Additional District Judge and Sub-Judge. The Registrar of High Court in his letter first cited has pointed out that these provisions are conflicting and has requested clarification whether a formal sanction is necessary for drawal of increments and if so, who should sanction the increments of District Judges, Additional District Judges and Sub-Judges.

2. The question has been examined in consultation with the Accountant General. In his letter second cited he has clarified the position as follows:--

In the case of gazetted officers, the audit officer authorizes the payment of increments as they fall due, in the absence of any instructions to the contrary from the authorities competent to withhold increments as provided in Art. 91 of Kerala Financial Code Volume 1. In the case of non-gazetted officers, the claim for increment is to be supported only by an increment certificate (except in cases when the Government servant has to cross an efficiency bar) to be duly signed by the head of office and attached to the establishment Pay Bill- vide Art. 90, K.F.C., Volume I and Rule 175 K.T.C., Volume I. In cases where an increment claimed operates to carry a Government servant over an efficiency bar, the increment is allowed on the basis of a declaration prescribed in rule 175 (b) Kerala Treasury Code, Volume I, from the authority empowered to withhold increment that the Government servant is fit to cross the bar. Thus the provisions in the Codes do not contemplate the issue of a formal sanction for the drawl of regular increments and therefore the question of delegation of power to any subordinate authorities to sanction increment does not arise. However, withholding of increments under rule 31 of Kerala Service Rules, Part I and grant of advance increment under rule 34 *ibid* can be made only by competent authorities.

3. The Accountant General has also pointed out that, in view of the above, the first sentence in Note I under Rule 31 of K.S.R., Part I is redundant and has suggested that it may be deleted. Besides, the word 'also' occurring at the end of the 2nd sentence in the Note can also be deleted.

4. The Government are pleased to accept the suggestions of the Accountant General and to issue the following notification for amending Note 1 to Rule 31 of Kerala Service Rules, Part I.

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 amendment to the Kerala Service Rules, namely:--

AMENDMENT

C.S.No. 68/65.

In Part I of the said rules, for Note 1 under Rule 31, the following Note shall be substituted, namely:--

“Note 1. The High Court may withhold increments of District Judges, Additional District Judges and Sub-Judges.”

By order of the Governor,

C. THOMAS,
Finance Secretary.

To

The Accountant General
All Heads of Departments and Offices.
The Secretary, Public Service Commission (with C.L)
The Registrar, High Court, Ernakulam (with C.L)
The Registrar, Kerala University (with C.L)
The Secretary to the Governor.
The Private Secretaries to the Adviser.
All Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries, and Assistant Secretaries to Government.
The Personal Clerk to the Chief Secretary
All Departments and Sections of the Secretariat.

Entld: May be dated as this 6/11/65