

Public Services-Subsistence allowance- Government Servants dismissed with retrospective effect from date of suspension and subsequently reinstated in service- Recovery of excess subsistence allowance-orders issued.

PUBLIC (SERVICES C) DEPARTMENT.

G.O.MS No. 452.

Dated 15-4-1959.

- Read:-
1. G.P.R. Dis. 32644/56/PD, dated 14-5-1957.
 2. G.P.R.Dis. 20074/57/PD dated 2-9-1957.
 3. G.O.MS. 394.Pub. dated 8-4-1958.
 4. G.O.Ms.No. 1081 Pub. Dated 9-9-1958.

ORDER

Rule 17 (6) of the Kerala Civil Services (Classification, control and Appeal) Rules 1957 lays down that a person kept under suspension under Rule 12 of the above Rules shall be granted such subsistence and other allowances as may be admissible under the service Regulations. In the proceeding read as 1st, 2nd, and 3rd papers above, Government has laid down common rules regulating the rate at which substance allowance should be granted to Government Servant under suspension. Proviso to Rules 34 of the Kerala Civil Services (Classification Control and Appeal) Rules 1957 makes provision for the setting off of subsistence allowance against the amount of pay and allowance allowed to government servant during the period of suspension when he is re-instate in service. A question has arisen whether the excess subsistence allowance drawn by an Officer who was dismissed , suspended or removed from service with retrospective effect from the date of suspension him or whether it should be waived.

2. Under T.S.R . and C.S.R there is no specific provision for reimbursement of excess subsistence allowance after adjustment against pay and allowance or leave salary in the case of persons reinstated after dismissal , suspension or removal from services. There is specific provision in this regard embodied in instruction 12 to Rule 54 of the Madras Fundamental Rules which says that the amount of subsistence grant, already drawn by an officer should be adjusted against the pay and allowance or proportion of them or leaves salary which may be granted under rule 54 of the same rule and the excess if any recovered. The Government consider that a common Rule based on the provision of Madras fundamental Rules in this regard should be made applicable to all such Government servants in Kerala state and they are accordingly pleased to pass the following orders:-

3. If a Government servant who was dismissed suspended or removed from service is reinstated in service, the amount of subsistence grant, already drawn should be adjusted against the pay and allowance or proposition of them or leave salary which may be granted to him under Rules, and the excess, if any, recovered.

By order of the Governor,
C.P. GOPALAN NAIR
Joint Secretary.

Endt. F. Dis. 2443/59 dated 20-4-1959. Chief Conservators Office.

Copy Communicated to all Subordinate Officers for information and guidance.

Copy to E1, E2,E3,G1,G2, G3, Financial Assistant, Superintendents, account and Establishment and Senior Superintendent.

Copy to Stock file and General Circular file.

Sd/-

SUKUMARAN NAIR

For Chief Conservator of Forests
Superintend

Forwarded /By order.