

GOVERNMENT OF KERALA
ABSTRACT

Public Services- Persons appointed on a provisional basis after 1-11-1956- Grant of increments- orders passed.

PUBLIC (SERVICES B) DEPARTMENT

G.O. MS. 1002/Public.

Dated, Trivandrum, 23-11-1959.

Read: 1). Circular No. S.1-2/40446/56/PD dated 27-11-1956.
2) G.P.S (D) 2-43405/56/PD dated 25-2-1957.
3) From the Chief Engineer (General & Irrigation) letter No. 3799- E. 11/58-1 dated 28-5-1958.

O R D E R

According to the instructions in the Circular first cited, all appointment made on or after the 1st November 1956. Should be deemed to have been made on a provisional basis, pending the completion of integration of services of the former Travancore - Cochin officers and those allotted from Madras. According to the G.P., second cited, till common Rules are issued, every officers in the service of the new state of Kerala will be bound by the Service Rules of the state - Travancore-Cochin or Madras, as the case may be - to which he belonged prior to 1-11-1956. Persons who are newly appointed or after 1-11-1956 will be governed by the T.S.R. till unified rules are issued. One effect of these instructions is that the persons whose appointments are treated as provisional cannot draw their increments in the normal course. This disability applies to allotted officers from 1-11-1956 (see Rules 10 (b) and 39 (f) of Madras General Rules) and to others from 17-12-1958 (see Rules 9 (a) (v) and 31 (f) of the Kerala General rules issued with G.O.MS. No. 1526, public (Services) dated 17-12-1958.

2. The provisional (or emergency) appointments- wither made by direct recruitment by promotion (i.e. within the same service or class) or transfer (i.e. from one service to another)- may be classified as follows:-

- i) Those excluded from the purview of the Public Service Commission Under the Kerala Public Service Commission, (Consultation) Regulations, 1957.
- ii) Those falling within the Commission's purview and were made in consultation with the public Service Commission, and
- iii) Those, though falling within the Commissions purview were made Without consulting the P.S.C. pending finalisation of integration or for Other reasons.

It is the intention of Government that the appointments referred to in (i) and (ii) above should be regarded as provisional only in the sense that the ranks assigned to the persons concerned are liable to revision after the integration of services is completed. In all other respects, the appointments should be deemed to be regular and the persons concerned should

also be allowed to draw their increments in the normal course in accordance with the instructions in G.O.N. 946 Public (Services) dated 12-11-1959. In the case of Officers for whom probation has already been prescribed under the rule applicable to them (e.g. those allotted from Madras) orders declaring them to have completed their probation satisfactorily should be issued promptly so as to enable them to draw their increment in accordance with the provisions in the Fundamental Rules or other Rules, if any.

Appointments coming under (iii) above should be regarded as having been made under the emergency provisions of the rules and to the extent indicated in para 1 above the persons concerned cannot normally draw increments until their appointments are regularised in consultation with the Public Service Commission. The Government how ever consider that such persons should also be allowed to draw their increments in there normal course as the delay in regularizing their appointments is due to the delay infanlising the integration or for other valid resons officers allotted from Madras will, however , be permitted to count their service under the emergency provisions only from 1-11-1956 for increment. The persons concerned will be allowed to draw their increments in the normal course, but when once their appointments are regularized in consultation with the public service Commission the drawls of further increments will be regulated in accordance with the instructions in G.O.No. 946, Public (Services) dated 2-11-1959.

3. The Following Notification will be published in the Kerala gazette.

NOTIFICATION

In exercise of the powers conferred by the proviso to Art. 309 of the Constitution of India, the Governor of Kerala hereby makes the following rules, namely:-

Not with standing anything contained in Rules 10 (b) and 39 (f) of Part II of the Madras State and Subordinate Services Rules or any corresponding provisions in the Special Rules for either the Madras State Services or Subordinate Services, Rules 9 (a) (v) and 31 (f) of Part II of the Kerala State and Subordinate Services Rules, 1958 and Rules 31 A of the Fundamental Rules, the persons appointed to posts under the State Government - whether by direct recruitment, by transfer or by promotion and whether the appointments were made in consultation with the Kerala P not where such consultation is necessary under the Madras P.S.C. Regulations, 1954 The Travancore - Cochin P.S.C. (Consultation) Regulations 1952 or the Kerala P.S.C. (Consultation) Regulations, 1957, as the case may be shall be allowed to draw their increments in the posts to which they were appointed, although the appointments are treated as provisional (or having been made under the emergency provisions.) of officers allotted from Madras, such provisional service (or service under the emergency provisions) shall be counted for increments only from 1—11—1956 and not from an curlier date.

(By order of the Governor)
SD/- N.E.S. Raghavachari,
Chief Secretary to Government.

To
All Heads of Departments and Officers etc.