

GOVERNMENT OF KERALA
Abstract

RULES – KERALA SERVICE RULES—RULES REGULATING GRANT OF LEAVE WITHOUT ALLOWANCES TO TAKE UP EMPLOYMENT ABROAD/ WITHIN THE COUNTRY –AMENDMENT -- ISSUED.

FINANCE (RULES) DEPARTMENT

G.O.(P) No.953/86/Fin.

Dated, Trivandrum, 27th December, 1986.

Read:- 1. G.O.(P) 780/83/Fin.Dated, 16-12-1983
2. Letter No. Co-ord.II/12-28/Pay/13-229 dated 7-5-1985 from the Accountant General (A&E), Kerala, Trivandrum.

NOTIFICATION

S.R.O No. 326/87--- In exercise of the powers conferred by subsection (1) of section 2 of the Kerala Public Service Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala, hereby make the following rules further to amend the Kerala Service Rules, namely:--

RULES

C.S.No 444/86

1. Short title and commencement—

(1) These rules shall be called the Kerala Service (Amendment) Rules, 1986.

(2). They shall be deemed to have come into force with effect from the 16th day of December 1983.

2. Amendment of the Rules---In part I of the Kerala Service Rules,

(1) in rules 24, the words “except in cases covered by rule 24A” shall be added at the end:

(2) after rule 24, the following rule shall be inserted namely:-

“24A. Notwithstanding anything contained in these rules, if an officer who availed himself of leave without allowances to take up employment abroad or within the country for a total period of ten years, whether continuously or in broken periods, does not return to duty immediately on the expiry of the leave his service shall be terminated after following the procedure laid down in the Kerala Civil Services (classification, Control and Appeal) Rules, 1960.

Note--- This rule shall have effect from the 16th day of December, 1983 and shall apply to all cases of grant of leave without allowances on or after that date., for taking up employment abroad or within the country, in extension of the leave already granted or otherwise, and such leave granted before that date shall be reckoned for applying the ten year limit”.

(3) for rule 73 the following rule shall be substituted, namely:-

“73, Any kind of leave under these rules, except leave without allowances to take up employment abroad or within India, may be granted in combination with or in continuation of any other kind of leave”.

(4) in rule 88, the existing Exception shall be numbered as Exception I and after Exception I so numbered, the following Exception shall be inserted, namely:-

“Exception 2.—The limitation in sub-rule(ii) shall not apply to the grant of leave without allowances regulated by the rules in Appendix XII-A”

(5) after the sub-heading “Section XI-A—Leave to Radiation Workers” and rule 110-A there under, the following sub-heading and rule there under shall be inserted, namely:-

“Section XI-B-Leave for taking up employment abroad or within India.
110-B, Rules for the grant of leave without allowances for taking up employment abroad or within India are given in Appendix XII-A”.

(6) after Appendix XII the following Appendix shall be inserted namely:-

Appendix XII-A

RULES FOR THE GRANT OF LEAVE WITHOUT ALLOWANCES FOR TAKING OF EMPLOYMENT ABROAD OR WITHIN INDIA

(Referred to in Exception 2 to rule 88 and rule 110-B of Part I)

The following rules shall regulate the grant of leave without allowances to officers for taking up employment abroad or within India. These rules shall not apply in case of employment in the service of any Public section undertaking, aided schools and private colleges or anybody incorporated or not, which is wholly or substantially owned, controlled or aided by any State Government or the Government of India.

1. Government will be very selective in granting leave without allowances to employees belonging to professional categories, like highly qualified doctors, engineers, scientists, etc., for taking up employment abroad or within India. In scarce categories like Veterinary Surgeons, Livestock Assistants and any other category where there is shortage of personnel, officers will not be allowed to take up such employment unless they resign their jobs under Government before hand.
2. No officer going for employment under these rules will be treated as on deputation. An officer taking up employment abroad or within India on his own accord will have to go on leave without allowances to avail himself of the facility
3. No other kind of leave will be sanctioned in combination with or in continuation of, the leave under these rules.
4. Permanent officers and non-permanent officers who have completed probation in their entry cadre in the regular service of Government may be granted leave without allowances under these rules. In such cases, for, and during the currency of, the period of leave, the officers shall lose all service benefits such as the earning of leave including half pay leave, pension, gratuity increment, etc., and also promotion chances as may arise with reference to their seniority in the posts from which they proceeded on leave. They shall also lose seniority in the

higher grade/grades with reference to their juniors who might get promoted to such grade/grades before they rejoin duty.

5. In the case of non-permanent officers in regular service who have not completed probation in the entry grade, leave without allowances may be granted subject to the condition that they will have to start afresh and complete the probation or return from the leave without allowances. In other words, the officers will forfeit the service benefits that had accrued to them prior to their proceeding on leave and they will be deemed as new entrants to Government service on return from leave. What is protected is only their right to rejoin Government service in the same entry grade as if they were new entrants.

6. Normally, leave without allowances under these rules (for taking up employment) may be sanctioned only up to a maximum period of five years. But applications for extension of the leave for a further period of five years or part thereof may be entertained. The maximum period of leave that may be sanctioned to an officer during his entire service shall be limited to ten years. If the officer who has availed himself of the leave without allowances for a total period of 10 years whether continuously or in broken periods does not return to duty immediately on the expiry of the leave, his service shall be terminated after following the procedure laid down in the Kerala Civil Services (Classification, Control and Appeal) Rules 1960. This condition shall be incorporated in every order sanctioning leave (all individual sanctions to be issued).

7. Those who are under bonded obligation to serve Government for a prescribed period will not be granted leave under these rules till the period covered by the bond is over, unless they settle the bonded obligations before the grant of leave. The amount remitted on that account will not be refunded under any circumstance. Similarly, officers against whom disciplinary action of Vigilance enquiry is pending will not be eligible for leave under these rules.

8. Those who had availed themselves of any loan such as House Building Advance, Conveyance Advance, etc., shall either clear the dues or execute a bond as required under G.O.(P)1028/79/Fin. Dated , the 23rd November, 1979 in the form appended thereto, before the grant of leave.

9. Those officers who absent themselves unauthorisedly without getting the leave sanctioned under these rules shall be proceeded against and his service terminated after following the procedure laid down in the Kerala Civil Services (Classification, Control and Appeal) Rules 1960. Requests for re-entertainment in Government service in such cases as well as in cases covered by Rule 6 above, will be summarily rejected.

10. These rules shall apply to all cases of grant of leave without allowances on or after the 16th December, 1983 whether in extension of the leave already granted or other wise and such leave granted before that date shall be reckoned for applying the 10 years limit under rule 6 above.

11. No relaxation of any of the above rules will be allowed.

By order of the Governor,

R.NARAYANAN.

Finance Secretary

Explanatory Note

(This does not form part of the Notification but is intended to indicated general purport).

In G.O.(P) 780/83Fin. Dated 16—12-1983, Government have issued revised guidelines for the grant of leave without allowances to officers to take employment abroad or within the country. The amendment is intended to provide statutory validity to these orders.

To

The Accountant General(Accountant and Entitlement), Kerala, Trivandrum

The Accountant General(Audit), Kerala, Trivandrum

All Heads of Departments and Offices

All Departments (All Sections)of the Secretariat

The Secretary, Kerala Public Service Commission (with C.L)

The Registrar, University of Kerala/Cochin/Calicut/Kottayam (with C.L)

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

The General Manager, Kerala State Road Transport Corporation Trivandrum
(with CL)

The Secretary, Kerala State Electricity Board, Trivandrum (with CL)

The Registrar High Court of Ernakulam (with C.L)

All Secretaries, Additional Secretaries Joint Secretaries, Deputy Secretaries and
Under Secretaries to Government

The Secretary to Governor

The Private Secretaries to the Chief Minister and other Ministers

The Private Secretaries to the Leader of Opposition and Chief Whip.

The Under Secretary to the Chief Secretary