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GOVERNMENT OF KERALA

Abstract

RULES—KERALA SERVICE RULES PART III—AMENDMENT TO RULE 90 (7) (iii) AND
RULE 90 (7A)—ORDERS ISSUED

FINANCE (PENSION B) DEPARTMENT

G.O. (P) No. 808/2000/Fin. Dated, Thiruvananthapuram, 10th April, 2000.

Read:—D.O. Letter No. PR1/G1/6-97/98-99/79 dated 16-11-1998 from the
Accountant General, Kerala.

ORDER

As per Rule 90 (7) (iii) Part III Kerala Service Rules Family Pension is payable to the mentally retarded children/handicapped children of Government employees/Pensioners through a guardian as if they were minors. As per Guardian Stewards Act, 1890 guardian is to be appointed by a Court of Law. But recently an instance has been brought to the notice of Government with the reference cited wherein a court has declined to issue guardianship certificate as mental retardation is not a mental disease as per Mental Health Act, 1987. This has lead to a situation wherein family pension could not be drawn from Treasury for want of the certificate on guardianship.

Government have examined the cases in detail and are pleased to further amend Rule 90 (7) (iii) and Rule 90 (7A) Part III Kerala Service Rules to facilitate the disbursement of family pension to mentally retarded person without insisting them the production of legal guardianship certificate by inserting the following Note under Rule 90 (7) (iii) as shown below:

GPT. 4/1925/2000/DTP.

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Note Under Rule 90 (7) (iii):

Family Pension is payable to mentally retarded/physically handicapped persons on the basis of a Defacto Guardianship Certificate issued by Revenue Authorities also.

Note Under Rule 90 (7A) (iii):

In the absence of Legal Guardians, the defacto guardians authorised to receive pension can send fresh application.

Formal Amendment to relevant Rule will be issued separately.

By order of the Governor,

P. A. K. NEELAKANTAN,
Additional Secretary (Finance).

To

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.
The Accountant General (Accounts and Entitlements), Kerala,
Thiruvananthapuram.
