

©
കേരള സർക്കാർ
Government of Kerala
2017



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 6	} Thiruvananthapuram, Thursday	2017 ജനുവരി 12 12th January 2017	} നമ്പർ 60 No.
Vol. VI		1192 ധനു 28 28th Dhanu 1192	
		1938 പൗഷം 22 22nd Pousha 1938	

GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Advice-C) Department

NOTIFICATION

G. O. (P) No. 32/2016/P&ARD.

Dated, Thiruvananthapuram, 27th December, 2016
12th Dhanu, 1192.

S. R. O. No. 26/2017.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala Civil Services (Classification, Control & Appeal) Rules, 1960, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Civil Services (Classification, Control & Appeal) Amendment Rules, 2016.

(2) They shall come into force at once.

2. *Amendment of the rules.*—In the Kerala Civil Services (Classification, Control & Appeal) Rules, 1960, in clause (b) of second proviso to Rule 18;—

(a) for the words “entitling him” the following words shall be substituted, namely:—

“subject to the condition that the employee will be entitled to”;

(b) after the words “he would have been entitled had he been in service”, the following words shall be inserted, namely:—

“only if he is fully exonerated of the charges on merit and no appeal is proposed against the acquittal and no further enquiry is proposed by the Disciplinary Authority”.

By order of the Governor,

SATYAJEET RAJAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

On the basis of the directions of the Hon'ble Supreme Court and Hon'ble High Court of Kerala relating to granting of back wages on reinstatement of a Government servant, who had been dismissed from service on account of his conviction by Criminal Court which had been

subsequently set aside in appeal and acquitted thereto, the payment of back wages could not be an automatic corollary to such reinstatements, because Government could not avail the services of the employee during such period. Once an employee or public servant is involved in a criminal case and gets a conviction he has to be kept out of service and if, the above conviction ultimately results in acquittal in appeal or otherwise, the department cannot be in any manner found fault with for having kept him out of service. In such cases, Government is not duty bound to pay back wages for the period he was kept out of service or dismissed from service on the basis of initial conviction by the Court. Hence necessary amendments in this regard have been made in the Kerala Civil Services (Classification, Control & Appeal) Rules, 1960.

The notification is intended to achieve the above object.