

**KERALA CIVIL SERVICES
(CLASSIFICATION, CONTROL AND
APPEAL) RULES, 1960**

PREFACE

Consequent on the formation of Kerala State in November, 1956, the 'Kerala Civil Services (Classification, Control and Appeal) Rules' was brought in 1960. Several amendments have been issued from time to time. It was, therefore, felt that there is a need to update the KCS (CC&A) Rules incorporating subsequent amendments to meet the present day requirements. Review and publication of updated version of KCS (CC&A) Rules was also one of the Actions/Objectives under Result Framework Document (RFD) of Personnel and Administrative Reforms Department for 2011-12.

All amendments and modifications up to 26th June, 2015 have been incorporated in this edition.

Any error, omission in any of the rules may be brought to my notice for appropriate rectification.

SATYAJEET RAJAN,

Principal Secretary,

*Personnel and Administrative
Reforms Department.*

Thiruvananthapuram,
19-4-2016.

KERALA CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1960

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

PART I

GENERAL

1. Short title and commencement.—(1) These rules may be called the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960.

(2) They shall come into force at once.

2. Interpretation.—In these rules, unless the context otherwise requires,—

(a) 'Appointing Authority' in relation to a Government servant means—

(i) the authority empowered to make appointments to the service, class or category of which the Government servant is for the time being a member; or

(ii) the authority empowered to make appointments to the post which the Government servant for the time being holds; or

Note:—Where the power of appointment is delegated to any authority, that authority will be deemed to be the Appointing Authority;

(iii) the authority which appointed the Government servant to such service, class, category or post, as the case may be; or

(iv) where the Government servant having been a permanent member of any other service, class or category or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that service, class or category or to that post, whichever authority is the highest authority.

(b) 'Commission' means the Kerala Public Service Commission;

(c) 'Disciplinary Authority' in relation to the imposition of a penalty on a Government servant, means the authority competent under these rules to impose on him that penalty;

(d) 'Government Servant' means a person who is a member of a service, State or Subordinate or who holds a civil post under the Kerala Government and includes any such person on foreign service or whose services are temporarily placed at the disposal of any other Government—Central or State—or a local or other authority and also any person in the service of any other Government—Central or State—or a local authority whose services are temporarily placed at the disposal of the Kerala Government;

(e) 'Schedule' means the schedule to these rules;

(f) 'Services' means a group of persons classified by the State Government as a State or Subordinate Service, as the case may be.

Note.—Where the context so requires, 'service' means the period during which a person holds a post or is a member of a service as defined in these rules.

3. Application.—(1) These rules shall apply to all Government servants, except,

(a) Persons belonging to the All India Services;

(b) Persons in casual employment;

(c) Persons subject to discharge from service without notice or on less than one month's notice; and

(d) Persons for whose appointment and other matters covered by these rules special provision is made by or under any law for the time being in force in regard to the matters covered by such law.

(2) Notwithstanding anything contained in sub-rule (1) these rules shall apply to every person temporarily transferred to a service or post coming within exception (c) in sub-rule (1) to whom, but for such transfer these rules would apply.

(3) Notwithstanding anything contained in sub-rule (1) the Government may by order exclude from the operation of all or any of these rules any Government servant or class of Government servants.

(4) If any doubt arises,

(a) whether these rules or any of them apply to any person; or

(b) whether any person to whom these rules apply belong to a particular service, the matter shall be referred to the Government whose decision thereon shall be final.

4. *Special provision by agreement.*—Where it is considered necessary to make special provisions in respect of a Government servant inconsistent with any of these rules, the Government may, by agreement with such Government servant, make such special provisions and thereupon these rules shall not apply to such Government servant to the extent to which the special provisions so made are inconsistent therewith.

5. *Protection of rights and privileges conferred by any agreement.*—Nothing in these rules shall operate to deprive any Government servant of any right or privilege to which he is entitled by the terms of any agreement subsisting between such person and the Government at the commencement of these rules.

PART II

CLASSIFICATION

6. *Classification.*—The services, the members of which are subject to these rules shall be classified as follows:

- (i) The State Services; and
- (ii) The Subordinate Services.

7. *State Services.*—The State Services shall consist of the services included in Schedule I.

8. *Subordinate Services.*—The Subordinate Services shall consist of the services included in Schedule II.

PART III

APPOINTING AUTHORITIES

9. *Appointing Authorities.*—All appointments to State and Subordinate Services shall be made by the Government:

Provided that the Government may, by general or special orders or rules and subject to such conditions as they may specify, delegate to any other Authority the power to make such appointments.

PART IV

SUSPENSION

10. *Suspension.*—(1) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Government in that behalf may at any time place a Government servant under suspension,

(a) where a disciplinary proceedings against him is contemplated or is pending; or

(b) where a case against him in respect of any criminal offence is under investigation or trial; or

(c) where final orders are pending in the disciplinary proceeding, if the appropriate authority considers that in the then prevailing circumstances it is necessary, in public interest, that the Government servant should be suspended from service.

Provided that the authority competent to place a member of the Kerala Civil Judicial Service or the Kerala Criminal Judicial Service under suspension shall be the High Court of Judicature.

(2) Where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the Appointing Authority, the circumstances in which the order was made.

(3) A Government servant who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty eight hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Appointing Authority or in the case of members of the Kerala Civil Judicial Service or the Kerala Criminal Judicial Service by an order of the High Court of Judicature and shall remain under suspension until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the Appointing Authority from the date from which he was originally dismissed, removed or compulsorily retired, as the case may be, and shall continue to remain under suspension until further orders.

(6) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

(7) Whenever a Government servant is placed under suspension, he shall be paid such subsistence and other allowances admissible under the rules for the time being in force regulating such matters.

PART V
DISCIPLINE

11. The nature of penalties.—(1) The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely:—

- (i) Censure;
- (ii) Fine (in the case of persons on whom such penalty may be imposed under these rules);
- (iii) Withholding of increments or promotion temporarily for a specified period;

G.O. (P) 28 02
P &ARD
dtd. 16-5-2002

Note:— (1) *** *** *** ***

- (2) Temporary period of withholding of increments shall not be less than 3 months and the temporary period of withholding of promotion shall not be less than six months and both shall not be for more than three years. If the period is not specified in the order it will be deemed to be 3 months in the case of temporary withholding of increments and 6 months in the case of temporary withholding of promotion. Temporary withholding of increments shall mean withholding of increments without cumulative effect i.e., it shall not have the effect of postponing future increments.

G.O. (Ms.) 531
dtd. 21-10-1964

G.O. (P) 20 2015
P&ARD
dtd. 26-6-2015

(2A) ***

G.O. (P) 285 77
GAD
dtd. 25-8-1977

- (3) In case the order of withholding of increments cannot be given effect to the monetary value equivalent to the amount of increments ordered to be withheld will be recovered from the pay of the officer. If the officer retires from service before the recovery could be effected, the amount will be recovered from his pension or Death-cum-Retirement Gratuity.

- (4) Withholding of promotion shall not entail loss of seniority in that grade.
- (5) An Officer whose promotion is withheld, shall, if and when promoted to a higher grade or higher time scale subsequently, on promotion, take his place at the bottom of the higher grade or higher time scale.
- (iv) (a) Recovery from pay of the whole or part of any pecuniary loss caused to a State Government or the Central Government or to a local authority by negligence or breach of orders ;
- (v) Reduction to a lower rank in the seniority list or to a lower grade or post or time scale whether in the same service or in another service, State or Subordinate, or to a lower stage in a time scale;

Note:—(1) The period of reduction shall not be less than six months and not more than five years. If the period is not specified in the order, the period of reduction shall be deemed to be six months:

GO. (P) 108 73
dtd. 23-4-1973

Provided that in the case of reduction of rank in the seniority list, such reduction shall be permanent.

GO. (P)
No. 74 76 PD
dtd. 11-3-1976

- (1A) Reduction to a lower grade or post shall be to the grade or the post immediately lower to the grade or the post held by the officer, but not to a grade or post lower than the grade or post to which he was initially appointed.
- (2) Reduction to a lower stage in the time scale can be with or without the effect of postponing future increments. If no mention is made in this regard in the order of reduction, the reduction shall be deemed to be without the effect of postponing future increments.
- (3) An order of reduction to a lower post or to a lower time scale shall entail loss of seniority.
- (4) An officer so reduced shall take his place in the lower grade or in the lower time scale at the top of the list of officers in that grade or time scale. He shall be considered for promotion on the completion

GO. (P) No. 178
77 GAD
dtd. 8-6-1977

of the specified period of reduction. On promotion, he shall take his place at the bottom of the higher grade or higher time scale.

- (5) The previous service in the higher grade or time scale of a Government servant who has been reduced to a lower post or lower time scale shall on re-promotion to the higher grade or higher time scale count for increments, only subject to the provisions of Rule 36 of the Kerala Service Rules, Part I, Regulation 98 of the Travancore Service Regulation, Regulation 45 of the Cochin Service Regulations or Rule 29 of the Fundamental Rules, Madras, as the case may be.
- (6) Where the penalty of reduction to a lower stage in a time scale cannot be given effect to or becomes inoperative, the monetary value equivalent to the amount of reduction ordered shall be recovered from the pay of the officer and in case, the officer retires from service before the amount could be recovered, the same may be recovered from his pension or Death-cum-Retirement Gratuity.

GO. (Ms.) 500
79 GAD
dtd. 10-9-1979

GO. (P) 28 02
P & ARD
dtd. 16-5-2002

(vA) Withholding of increments with cumulative effect.

GO. (P) No. 20 2015
P & ARD
dtd. 26-6-2015

Note:— “The minimum period of permanent barring of increment shall not be less than one year and the maximum period shall not be more than three years. Permanent barring of increment shall mean withholding of increment with cumulative effect namely; it shall have the effect of postponing future increments.”

GO. (P) 28 02
P & ARD
dtd. 16-5-2002

Explanation:—In case stoppage of increment with cumulative effect cannot be given effect to, the monetary value equivalent to three times the amount of increments ordered to be withheld will be recovered.

GO. (Ms.)
296 PD
dtd. 6-9-1967

- (vi) Compulsory retirement;
- (vii) Removal from the Civil Service of the State Government which shall not be a disqualification for future employment unless otherwise directed specifically;
- (viii) Dismissal from the Civil Service of the State Government which shall ordinarily be a disqualification for future employment;
- (ix) Reduction of pension.

Note:—The penalty of reduction of pension shall be imposed in such a manner that pension will not be reduced to nothing or to a nominal amount.

G.O.(Ms.)
571. dtd.
25-10-1962

Explanation:—The following shall not amount to a penalty within the meaning of this rule.

- (i) Withholding of increments of a Government servant for failure to pass a departmental examination or consequential to the extension of probation in accordance with the rules or orders governing the service or post or the terms of his appointment;
- (ii) Stoppage of a Government servant at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- (iii) Non-promotion whether in an officiating or substantive capacity of a Government servant, after consideration of his case, to a higher grade or post, for promotion to which he is eligible;
- (iv) Reversion to a lower service, category, class, grade or post of a Government servant officiating in a higher service, category, class, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service, category, class, grade or post or on administrative grounds unconnected with his conduct;
- (v) Reversion to his previous service, category, class, grade or post of a Government servant appointed on probation to another service, category, class, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;
- (vi) Replacement of the services of a Government servant whose services have been borrowed from the Central Government or another State Government or a local authority at the disposal of the authority which had lent his services;

- (vii) Compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;
- (viii) *Termination of services.*— (a) of a Government servant appointed on probation, during or at the end of the prescribed or extended period of probation, in accordance with the terms of his appointment or the rules and orders governing probation; or
- (b) of a Government servant employed under agreement, in accordance with the terms of such agreement; or
- (c) of a Government servant appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of the appointment; or
- (d) of a Government servant under Rule 24, Part I, Kerala Service Rules; or
- (e) of a Government servant under Rule 96 A, Part I, Kerala Service Rules.

G.O.(Ms.)
368
dtd. 14-9-1966

G.O.(P)
421 76 PD
dtd. 14-12-1976

G.O.(P)
218 77-GAD
dtd. 6-7-1977

(2) The penalty of fine as such shall be imposed only on members of the Kerala Last Grade Service, members of the Kerala Part-time Contingent Service, Warders of the Jail Department and Villagemen. The infliction of very heavy fines and frequent infliction of small fines shall be avoided.

Note:—Sub-rule (2) of this rule shall be deemed to have come into force with effect on and from the 1st day of January, 1966.

12. Imposition of special penalties in certain cases.— Notwithstanding anything contained in Rule 11, any of the penalties mentioned in column (2) of the Appendix to these rules may be imposed on the holders of the posts in the Kerala Jails Service and the Kerala Jails Subordinate Service, specified in the corresponding entry in column (1) by the authorities specified in the corresponding entry in column (3) thereof.

G.O.(Ms.) No.
286 PD
dtd. 2-9-1967

13. *Disciplinary Authorities.*—(1) The Government may impose any of the penalties specified in item (i) and (iii) to (viii) of rule 11(1) on members of the State Services:

Provided that the authority competent to impose the penalties specified in items (i), (iii), (iv), (v), (vA), (vii) and (viii) of sub-rule (1) of rule 11 on the members of the Kerala Civil Judicial Service other than Munsiffs, or the members of the Kerala Criminal Judicial Service other than Judicial Magistrates of the Second Class, shall be the High Court:

G.O. (P)
28 02 P&ARD
dtd. 16-5-2002

Provided further that the authority competent to impose the penalties specified in items (vi), (vii) and (viii) of sub-rule (1) of rule 11 on District Judges or Munsiffs or Judicial Magistrates of the Second Class shall be the Governor:

Provided also that the Governor shall exercise the power conferred by the foregoing proviso after obtaining a report by the High Court:

Provided further that in the case of Tahsildars in the Revenue Department, the authority competent to impose the penalties specified in items (i), (iii), (iv), (v) and (vA) of sub-rule (1) of the Rule 11 shall be the Collector of the District concerned and the authority competent to impose the penalties specified in items (vi), (vii) and (viii) of the said sub-rules shall be the Board of Revenue:

G.O. (Ms.) 74
dtd. 25-1-1961

Provided further that in the case of Assistant Public Prosecutors Grade II, the authority competent to impose the penalties of censure, withholding of increments, or promotions temporarily and recovery from pay specified in Rule 11 (1) shall be the Collector of the District concerned:

G.O. (P)
28 02 P&ARD
dtd. 16-5-2002

Provided further that the Government may by general or special order, delegate to Heads of Departments, Collectors or other authorities as may be specified by the Government in the order, their power to impose the penalties of—

G.O. (P) 622
dtd. 1-12-1964

G.O. (Ms.)
405 78 GAD
dtd. 24-8-1978

G.O. (P)
28 02 P&ARD
dtd. 16-5-2002

GO.(P)
28 02 P&ARD
dtd. 16-5-2002

- (a) Censure and
- (b) Withholding of increments, temporarily, on all members of the State Services serving under them and in the case of the members of the State Services holding the lowest ranks, serving under them, in addition to the above penalties, the penalties of,
- (c) recovery from pay of the whole or part of any pecuniary loss caused to a State Government or the Central Government or to a local authority by negligence or breach of orders,
- (d) recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld where such an order cannot be given effect to.

subject to—

(1) the condition that from the orders passed by Heads of Departments, Collectors or other authorities in exercise of the powers so delegated, a revision shall lie to the Government.

(2) the condition that such delegation shall not enable the Heads of Departments, Collectors or other authorities so empowered to impose the punishment of recovery from pay in cases where they are not competent to impose the said penalty on any member of a subordinate service working under them, and any other condition as may be specified in the order:

Provided further that—

(a) in the case of Taluk Supply Officers, City Rationing Officers, Special Tahsildars and Superintendents of the Civil Supplies Department, the authority competent to impose the penalty specified in items (v), (vA) of sub-rule (1) of Rule 11 shall be the Director of Civil Supplies/Commissioner of Civil Supplies and the authority competent to impose the penalties specified in items (vi), (vii) and (viii) of sub-rule (1) of Rule 11 shall be the Board of Revenue and

(b) in the case of District Supply Officers, Assistant Secretaries and the Officers of the rank of District Supply Officers in the Civil Supplies Department, the authority competent to impose the penalties of censure and withholding of increments temporarily and the penalty specified in item (iv) of sub-rule (1) of Rule 11 shall be the Board of Revenue:

GO.(P)
28 02 P&ARD
dtd. 16-5-2002

GO.(P)
28 02 P&ARD
dtd. 16-5-2002

Provided further that in the case of Superintendents, Circle Inspectors and Managers of the Kerala Excise and Prohibition Service, the authority competent to impose the penalties specified in items (i), (iii), (iv), (v), (vA), (vi), (vii) and (viii) of sub-rule (1) of Rule 11 shall be the Board of Revenue:

G.O.(P)
169 77 GAD
dtd. 4-6-1977

Provided also that any of the penalties specified in column (1) of the Table below may be imposed on the Sales Tax Officers in the Agricultural Income Tax and Sales Tax Department by the authority specified in the corresponding entry in column (2) thereof.

G.O.(Ms.)
389 78 GAD
dtd. 18-8-1978

TABLE

<i>Penalties</i>	<i>Authority Competent to impose the penalties</i>
(1)	(2)
Penalties specified in items (i), (iii) and (iv) of rule 11 (1)	Deputy Commissioner concerned of the Agricultural Income Tax and Sales Tax Department
Penalties specified in items (v) and (vA) of rule 11 (1)	Deputy Commissioner concerned of the Agricultural Income Tax and Sales Tax Department or the Board of Revenue
Penalties specified in items (vi), (vii) and (viii) of rule 11 (1)	Board of Revenue

(1a) The authority which may impose the penalty of reduction of pension on a member of a State Service or of a Subordinate Service shall be the Government or the authority competent to sanction the pension of the officer.

(2) (a) The authority which may impose the penalties of,

(i) Censure;

(ii) Fine;

G.O. (P)
28.02 P&ARD
dtd. 16-5-2002

- (iii) Withholding of increments temporarily on a member of Subordinate Service shall be his immediate superior Gazetted Officer or any higher authority.

G.O. (P)
28.02 P&ARD
dtd. 16-5-2002

- (b) The authority which may impose the penalties of.
- (i) Recovery from pay;
 - (ii) Withholding of promotion temporarily;
 - (iii) Reduction to a lower rank in the seniority list or to a lower grade or post or time-scale, whether in the same service or in another service, or to a lower stage in a time-scale;

G.O. (P)
28.02 P&ARD
dtd. 16-5-2002

- (iiiA) Withholding of increments with cumulative effect;
- (iv) Compulsory retirement;
- (v) Removal from the Civil Service of the State Government; and
- (vi) Dismissal from the Civil Service of the State Government; on a member of a Subordinate Service shall be the appointing authority or any higher authority;

Provided that the District Collectors in their respective jurisdictions shall be competent to impose the punishments specified in this clause on the members of the subordinate services employed in the Harijan Welfare Department, other than those employed in the Office of the Director of Harijan Welfare:

G.O. (P)
224 74 PD
dtd. 12-9-1974

Provided further that the District Collectors in their respective jurisdictions shall be competent to impose the penalties specified in clauses (a) and (b) of this sub-rule except penalties specified in items (v) and (vi) of clause (b) on members of the Subordinate Services employed in the Civil Supplies Department, other than those employed in the Office of the Board of Revenue (Civil Supplies):

Provided also that the District Collectors in their respective jurisdictions shall be competent to impose the penalties specified in items (i), (ii), (iii) and (iiiA) of clause (b) on Deputy Tahsildars:

GO. (P)
28 02 P&ARD
dtd. 16-5-2002

Provided also that the District Collectors in their respective jurisdictions shall be competent to impose penalties specified in items (i), (iii), (iv), (v) and (VA) of sub-rule (1) of rule 11 on members of the Kerala Revenue Ministerial Subordinate Service:

GO. (P)
36 12 P&ARD
dtd. 11-7-2012

Provided also that the District Collectors in their respective jurisdictions shall be competent to impose the penalties specified in this clause on members of the Subordinate Services of the Survey and Land Records Department who are under their administrative control:

GO. (P)
271 76 PD
dtd. 7-8-1976

Provided also that the District Collectors in their respective jurisdictions shall be competent to impose the penalties specified in clause (a) and items (i) and (ii) of clause (b) of this sub-rule on members of the Subordinate Services working under the Tahsildar, Land Tribunals:

Provided also that the Deputy Commissioners of the Agricultural Income Tax and Sales Tax Department shall be competent to impose the penalty of withholding of promotion and the penalties specified in items (iv), (v), and (vA) of sub-rule (1) of rule 11 on the Assistant Sales Tax Officers working under them:

GO. (P)
28 02 P&ARD
dtd. 16-5-2002

Provided also that the Director of Coir Development and the Director of Handlooms shall be competent to impose the penalty specified in item (i) of clause: (b) of this sub-rule on members of the Subordinate Services working under them.

- (3) Where in any case a higher authority has imposed or declined to impose a penalty under this rule, a lower authority shall have no jurisdiction to proceed under this rule in respect of the same case,
- (4) The order of a higher authority imposing or declining to impose in any case a penalty under this rule shall supersede any order passed by a lower authority in respect of the same case.

14. Authority to impose penalty when promoted or transferred.—(1) Where on promotion or transfer, a member of a service in a class, category or grade is holding an appointment in another class, category or grade thereof or in another service, State or Subordinate, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of the service in the latter class, category, grade or service, as the case may be.

(2) Where a person has been reverted or reduced from a State to a Subordinate Service, or from one service to another or from one class, category or grade of a service to another class, category or grade thereof, no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the service, class, category or grade, as the case may be, from which he was reverted or reduced, except by an authority competent to impose the penalty upon a member of such service, class, category or grade, as the case may be.

14A. Authority to impose punishment on members appointed from the service of Local Authority.—Where a person in the service of a Local Authority is appointed in Government service, it shall be lawful to impose on him penalties under these rules in respect of his work or conduct while he was a member in the service of a Local Authority, by an authority competent to impose such penalties on a Government servant of the same service, class, category or the grade to which he is appointed or subsequently promoted.

14B. Notwithstanding anything contained in rule 13, where disciplinary proceedings against a member of any service, transferred from a post under one disciplinary authority to a post under a different disciplinary authority becomes necessary in respect of any act or omission on his part while serving in the former post, such disciplinary proceedings may also be initiated and/or continued and any penalties specified in items (i) to (iv) of rule 11 (1) imposed by the authority who would have been competent but for his transfer to initiate or continue the proceedings. The authority so initiating or continuing such disciplinary proceedings shall intimate the fact forthwith to the

disciplinary authority competent to initiate disciplinary proceedings against him after his transfer and such authority shall on receipt of such information refrain from taking any disciplinary action against the member of the service in respect of the same act or omission:

Provided that in the case of transfer of a member on promotion to a higher grade or post only the authority competent to impose the penalty on a member of such higher grade or post shall be entitled to initiate or continue such disciplinary proceedings.

15. Procedure for imposing major penalties.—(1) Without prejudice to the provisions of the Public Servants (Inquiry) Act, 1850 (Central Act XXXVII of 1850), and the Public Servants (Inquiries) Act, 1122 (Act XI of 1122), no order imposing on a Government servant any of the penalties specified in items (v) to (ix) of rule 11(1) shall be passed except after an inquiry held as far as may be, in the manner hereinafter provided.

(2) (a) Whenever a complaint is received, or on consideration of the report of an investigation, or for other reasons, the disciplinary authority or the appointing authority or any other authority empowered by Government in this behalf is satisfied that there is a *prima facie* case for taking action against a Government servant, such authority shall frame definite charge or charges which shall be communicated to the Government servant together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. The accused Government servants shall be required to submit within a reasonable time to be specified in that behalf a written statement of his defence and also to state whether he desires to be heard in person. The Government servant may on his request be permitted to peruse or take extracts from the records pertaining to the case for the purpose of preparing his written statement; provided that the disciplinary or other authority referred to above may, for reasons to be recorded in writing, refuse him such access, if in its opinion such records are not strictly relevant to the case or it is not desirable in the public interest to allow such access. After the written statement is received or if no such statement is received within the time allowed, the authority referred to above may, if it is

G.O. (Ms.)
28/67
dttd. 25-1-1967

satisfied that a formal enquiry should be held into the conduct of the Government servant, forward the record of the case to the authority or officer referred to in clause (b) and order that a formal enquiry may be conducted.

(b) The formal enquiry may be conducted by,—

- (i) the Government;
- (ii) the appointing authority;
- (iii) the disciplinary authority;
- (iv) the Head of the Department or any Officer of the Department empowered by the appointing authority or the Head of the Department; or
- (v) a special officer or tribunal appointed by the Government for the purpose or a tribunal generally appointed for making inquiries into the conduct of Government servants:

Provided that the formal enquiry in respect of a member of the Kerala Civil Judicial Service or the Kerala Criminal Judicial Service or a District Judge shall be conducted by the High Court or any other authority appointed by the High Court in this behalf.

“Provided further that the Complaints Committee constituted in each Department/Office/Institution for inquiring into complaints of sexual harassment falling within the ambit of rule 93F of Kerala Government Servants’ Conduct Rules, 1960 shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of the enquiry and the Committee shall hold, on receipt of such a complaint, the enquiry, as far as practicable, in accordance with the procedures laid down in these rules unless separate procedure has been prescribed for the Committee for holding such enquiry.”

Explanation:—In this sub-rule the expression “the Disciplinary Authority” shall include the authority competent under these rules to impose upon the Government servant any of the penalties specified in items (i) to (iv) of rule 11(1).

G.O. (Ms.)
405/78 GAD
dttd. 24-8-1978

G.O. (P)
19/12/P&ARD
dttd. 18-4-2012

(3) The authority or officer conducting the enquiry (hereinafter referred to as the Inquiring Authority) may, during the course of the enquiry, if it deems necessary, add, amend, alter or modify the charges framed against the accused Government servant, in which case the accused shall be required to submit within a reasonable time to be specified in that behalf any further written statement of his defence.

(4) The Government servant shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the Inquiring Authority, such records are not relevant for the purpose or it is against the public interest to allow him access thereto.

(5) On receipt of the further written statement of defence under sub-rule (3) or if no such statement is received within the time specified therefor or in cases where the accused is not required to file a written statement under the said sub-rule, the Inquiring Authority may inquire into such of the charges as are not admitted.

(6) The Disciplinary Authority if it is not the Inquiring Authority may nominate any person to present the case in support of the charges before the Inquiring Authority. The Government servant may present his case with the assistance of any other Government servant or a Government servant retired from the services under the Kerala State Government who is not a legal practitioner, approved by the Inquiring Authority, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority as aforesaid is a legal practitioner or unless the Inquiring Authority having regard to the circumstances of the case, so permits.

(7) The Inquiring Authority shall, in the course of the Inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The Government servant shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person and to have such witnesses, as may be produced, examined in his defence. The person presenting the case in support of the charges shall be entitled to cross-examine the Government servant and the witnesses examined in his defence. If the Inquiring Authority declines to examine any witnesses on the ground that his evidence is not relevant or material it shall record its reasons in writing.

Note:—If the Inquiring Authority proposes to rely on the oral evidence of any witness, the authority should examine such witness and give an opportunity to the accused Government servant to cross-examine the witness.

(8) The Government servant may present to the Inquiring Authority a list of witnesses whom he desires to examine in his defence. The Inquiring Authority will normally request such witnesses to appear before him to give evidence and where the witness to be examined is a Government servant, the Inquiring Authority will normally try to secure the presence of the witness, unless he is of the view that the witness's evidence is irrelevant or not material to the case under inquiry. Where the witness proposed to be examined by the Government servant is a non-official, the Inquiring Authority will be under no obligation to summon and examine him unless the Government servant himself produces him for examination.

(9) At the conclusion of the Inquiry, the Inquiring Authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such authority the proceedings of the inquiry establish charges different from those originally framed, it may record findings on such charges provided that findings on such charges shall not be recorded unless the Government servant has admitted the facts constituting them or has had an opportunity of defending himself against them.

(10) The record of inquiry shall include,—

- (i) the charges framed against the Government servant and the statement of allegations furnished to him under sub-rule (3);
- (ii) his written statement of defence, if any ;
- (iii) the oral evidence taken in the course of the inquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry; and
- (vi) a report setting out the findings on each charge and the reasons therefor.

(11) The Disciplinary Authority, where it is not the Government, shall, if it is not the Inquiring Authority, consider the record of the inquiry and record its findings on each charge. Where the Disciplinary Authority is Government, it shall consider the records of the inquiry and where it is considered necessary to depart from the findings of the Inquiring Authority, record its provisional findings on each charge with reasons thereof.

(12) (i) If the Disciplinary Authority, having regard to the findings on the charges, is of the opinion that any of the penalties specified in items (v) to (ix) of rule 11(1) should be imposed, it shall,—

(a) furnish to the Government servant a copy of the report of the Inquiring Authority and where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority; and

(b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time which may not generally exceed one month such representation as he may wish to make against the proposed action:

Provided that such representation shall be based only on the evidence adduced during the inquiry.

G.O. (P) 496
dtd. 26-9-1964

(ii) (a) In every case in which it is necessary to consult the Commission, the record of the inquiry together with a copy of the notice given under clause (i) and the representation made in response to such notice, if any, shall be forwarded by the Disciplinary Authority to the Commission for its advice.

(b) On receipt of the advice of the Commission, the Disciplinary Authority shall consider the representation, if any, made by the Government servant as aforesaid, and the advice given by the Commission and determine what penalty, if any, should be imposed on the Government servant and pass appropriate orders on the case.

(iii) In any case in which it is not necessary to consult the Commission, the Disciplinary Authority shall consider the representation, if any, made by the Government servant in response to the notice under clause (i) and determine what penalty, if any, should be imposed on the Government servant and pass appropriate orders on the case.

(13) If the Disciplinary Authority having regard to its findings is of the opinion that any of the penalties specified in items (i) to (iv) of rule 11(1) should be imposed, it shall pass appropriate orders in the case:

Provided that in every case in which it is necessary to consult the Commission, the record of the enquiry shall be forwarded by the Disciplinary Authority to the Commission for its advice and such advice taken into consideration before passing the orders.

(14) Orders passed by the Disciplinary Authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the Inquiring Authority, and where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority, unless they have already been supplied to him and also a copy of the advice, if any, given by the Commission and where the Disciplinary Authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

(15) The procedure referred to above shall be conducted as expeditiously as the circumstances of the case may permit, particularly one against an officer under suspension.

16. Procedure for imposing minor penalties.—(1) No order imposing any of the penalties specified in items (i) to (iv) of rule 11(1) shall be passed except after,

(a) the Government servant is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given opportunity to make any representation he may wish to make;

(b) such representation, if any, is taken into consideration by the Disciplinary Authority; and

(c) the Commission is consulted in cases where such consultation is necessary.

(2) The record of proceedings in such cases shall include,—

- (i) a copy of the intimation to the Government servant of the proposal to take action against him;
- (ii) a copy of the statement of allegations communicated to him;
- (iii) his representation, if any;
- (iv) the advice of the Commission, if any; and
- (v) the orders of the case together with the reasons therefor.

17. Joint Inquiry.—Where two or more Government servants are concerned in any case, the authority competent to impose the penalty of dismissal from service on all such Government servants or a higher authority may make an order directing that disciplinary action against all of them may be taken in a common proceedings and specifying the authority which may function as the Inquiring Authority for the purpose of such common proceedings.

18. Special procedure in certain cases.—Notwithstanding anything contained in rules 15, 16 and 17,—

- (i) where a penalty is imposed on a Government servant on the ground of conduct which had led to his conviction on a criminal charge; or
- (ii) where the Disciplinary Authority is satisfied for reason to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules; or
- (iii) where the Governor is satisfied that in the interest of the security of the State it is not expedient to follow such procedure; the Disciplinary Authority or the Governor, as the case may be, may consider the circumstances of the case and pass such orders thereon as he deems fit:

Provided that before passing such orders under clauses (i) and (ii) the Commission shall be consulted in cases where such consultation is necessary under the rules:

Provided further that where a Government Servant is convicted on a criminal charge by a criminal court and sentenced to imprisonment and or with fine:—

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dtd. 18-9-2003

(a) he shall be dismissed or removed from service by invoking the provisions contained in item (a) of the second proviso to clause (2) of Article 311 of the Constitution of India irrespective of the fact that an appeal is pending or that the execution of sentence is suspended in respect of the said conviction, and

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(aa) before taking final decision in the matter, factors including the conduct of the employee, gravity of misconduct, impact of misconduct on the administration, and other extenuating circumstances, if any, shall be taken into account by the Government for taking its own decision as to whether the Government servant is to be dismissed or removed from service or not. If it is decided to dismiss or remove the Government servant from service, he shall be given reasonable opportunity to show cause why his services should not be dismissed or removed. Before passing final orders as per clause (a) above, the Commission shall also be consulted.

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dtd. 18-9-2003

(b) in case the said conviction is subsequently set aside in appeal or otherwise and the Government servant is acquitted of the charges, the order of dismissal or removal ceases to have effect and revised orders shall be issued forthwith to reinstate him in service entitling him all the benefits to which he would have been entitled had he been in service:

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dtd. 18-9-2003

Provided also that in case where conviction is on a summary trial for petty offences and the sentence is for a fine up to Rupees Two Thousand only, such conviction shall not be treated as a conviction for the purpose of this rule and for the entry into service or retention in service as the case may be.

19. Provisions regarding officers lent to other Government, etc.—(1) Where the services of a Government servant are lent to another Government—Central or State—or an authority subordinate thereto or to a local or other authority (hereinafter in this rule referred to as “the borrowing authority”) the borrowing authority shall have the powers of the Appointing Authority for the purpose of placing him under suspension and of the Disciplinary Authority for the purpose of taking a disciplinary proceeding against him:

Provided that the borrowing authority shall forthwith inform the authority which lent his services (hereinafter in this rule referred to as "the lending authority") of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the Government servant,—

(i) If the borrowing authority is of the opinion that any of the penalties specified in items (i) to (iv) of rule 11(1) should be imposed on him, it may in consultation with the lending authority pass such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be placed at the disposal of the lending authority.

(ii) If the borrowing authority is of the opinion that any of the penalties specified in items (v) to (ix) of rule 11(1) should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the Disciplinary Authority, pass such orders thereon as it deems necessary, or if it is not the Disciplinary Authority, submit the case to the Disciplinary Authority which shall pass such orders on the case as it deems necessary:

Provided that in passing any such order the Disciplinary Authority shall comply with the provisions of sub-rules (11) and (12) of rule 15.

Explanation.—The Disciplinary Authority may make an order under this clause on the record of the inquiry transmitted by the borrowing authority or after holding such further inquiry as it may deem necessary.

(3) in case where the borrowing authority has not initiated disciplinary proceedings against a Government servant before his services have been returned to the lending authority for acts

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committed by him while serving under that authority, the lending authority may, at its own motion or on the request of the authority, to which the services of the Government servant had been lent, initiate disciplinary proceedings against the Government servant in accordance with these rules and impose any of the penalties specified in sub-rule (1) of rule 11.

20. Provisions regarding officers borrowed from other Governments etc.—(1) Where an order of suspension is made or a disciplinary proceeding is taken against a Government servant whose services have been borrowed from another Government—Central or State—or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in this rule referred to as “the lending authority”) shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.

(2) In the light of the findings in the disciplinary proceedings taken against the Government servant,—

(i) If the Disciplinary Authority is of the opinion that any of the penalties specified in items (i) to (iv) of rule 11(1) should be imposed on him, it may, subject to the provisions of sub-rule (12) of rule 15 and after consultation with the lending authority, pass such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority, and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority;

(ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in items (v) to (ix) of rule 11(1) should be imposed on him it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

PART VI
APPEALS

21. Orders not appealable.— There shall be no appeal against any order passed under the provisions of these rules except as expressly provided in these rules.

22. Appeals against orders of suspension.—A Government servant may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order is immediately subordinate.

23. Appeals against orders imposing penalties.—Every member of service—State or Subordinate—shall be entitled to appeal as hereinafter provided against an order,—

(a) imposing upon him any of the penalties specified in rule 11 (1); or

(b) discharging him in accordance with the terms of his contract, if he has been engaged on a contract for a fixed or for an indefinite period and has rendered under either form of contract continuous service for a period exceeding five years at the time when his services are terminated;

to the authority to which the authority imposing the penalty is immediately subordinate:

Provided that where an order is passed by the Government, there shall be no appeal.

In this rule the expression 'member of a service' includes a person who has ceased to be a member of that service.

Note 1:—A member of the Kerala Civil Judicial Service or the Kerala Criminal Judicial Service or the Kerala Judicial Ministerial Service or the Kerala Last Grade Service under the Courts Subordinate to the High Court shall be entitled to appeal to the Government against an order passed by the High Court under these rules.

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Note 2:—Tahsildars working as Land Tribunals and the staff working under them shall be entitled to appeal to the Land Board against an order passed by the District Collector under these rules.

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168 77 GAD
dttd. 4-6-1977

24. Appeal against other orders.—(1) A Government servant may appeal against an order which,—

(a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by any rules or by agreement; or

(b) interprets to his disadvantage the provisions of any such rules or agreement; to the authority which made such rules or agreement.

(2) An appeal against an order,—

(a) stopping a Government servant at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;

(b) reverting to a lower service, grade or post, a Government servant officiating in a higher service, grade or post, otherwise than as a penalty; and

(c) determining the pay and allowances for the period of suspension to be paid to a Government servant on his reinstatement or determining whether or not such period shall be treated as period spent on duty for any purpose, shall lie,—

(i) in the case of a Gazetted servant to Government;

(ii) in the case of an order made in respect of any other Government servant to the authority to whom the authority imposing the penalty is immediately subordinate.

Explanation:—In this rule, the expression 'Government servant' includes a person who has ceased to be in Government service.

25. Period of limitation for appeals.—No appeal under this part shall be entertained unless it is submitted within a period of two months from the date on which the appellant receives a copy of the order appealed against:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

Note:—The appellate authority which receives a copy of an appeal submitted direct should not take any action on such copy until the period for receipt of the copy of the appeal forwarded through the appropriate channel or a period of one month whichever is earlier, is over.

26. Form and contents of appeal.—(1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

27. Submission of appeals.—Every appeal shall be submitted to the authority which made the order appealed against:

Provided that if such authority is not the Head of the Office in which the appellant may be serving or, if he is not in service, the Head of the Office in which he was last serving, or is not subordinate to the Head of such Office, the appeal shall be submitted to the head of such office who shall forward it forthwith to the said authority:

Provided further that a copy of the appeal may be submitted direct to the appellate authority.

28. Withholding of appeals.—(1) The authority which made the order appealed against may withhold the appeal if,—

- (i) it is an appeal against an order from which no appeal lies; or
- (ii) it does not comply with any of the provisions of rules 26 and 27; or
- (iii) it is not submitted within the period specified in rule 25 and no cause is shown for the delay; or
- (iv) it is a repetition of an appeal already decided and no new facts or circumstances are adduced; or
- (v) it is addressed to an authority to which no appeal lies under these rules:

Provided that an appeal withheld on the only ground that it does not comply with the provisions of rules 26 and 27 shall be returned to the appellant and, if re-submitted within one month thereof after compliance with the said provisions shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

(3) When the appeal is withheld, the authority withholding the appeal shall forward a copy of the order communicated to the Government servant to the appellate authority.

29. Transmission of appeals.—(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under rule 28 together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 28 and thereupon such appeals shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

30. No appeal from an order withholding an appeal.—No appeal shall lie against the withholding of an appeal by a competent authority.

31. Consideration of appeals.—(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 10 and having regard the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 11 (1) the appellate authority shall consider,—

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient ground for taking action;

(c) whether the procedure prescribed in these rules has been complied with, and if not whether such non-compliance has resulted in violation of any provisions of the Constitution or in failure of justice;

(d) whether the findings are justified; and

(e) whether the penalty imposed is excessive, adequate or inadequate and after consultation with the Commission, if such consultation is necessary in the case, pass orders,—

(i) setting aside, reducing, confirming or enhancing the penalty; or

(ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that,—

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and
- (iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (v) to (ix) of rule 11 (1) and an inquiry under rule 15 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 18, itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

(3) In the case of an appeal against any order specified in rule 24, the appellate authority shall consider all the circumstances of the case and pass such orders as it may deem just and equitable.

32. Implementation of orders on appeal.—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

33. Procedure when the authority who imposed the penalty becomes the appellate authority.—Notwithstanding anything contained in this part, where the person who made the order appealed against becomes by virtue of his subsequent appointment or otherwise, the appellate authority under rules 22 to 24 in respect of the appeal against such order, such person shall forward the appeal to the authority to which he is immediately subordinate and such authority shall in relation to that appeal, be deemed to be the appellate authority for the purpose of rules 31 and 32.

Note:—An Officer of the Secretariat on receiving an appeal to Government on a case which has been previously disposed of by him in a different capacity shall forward it to the Secretary of the Department or where he himself is the Secretary, to such officer as the Chief Secretary may designate, for scrutiny and disposal according to the Rules of Business.

PART VII

REVIEW

34. State Government's power to review.—Notwithstanding anything contained in these rules, the State Government may, on their own motion or otherwise, after calling for the records of the case, review any order passed by the High Court as appellate authority under these rules in disciplinary proceedings initiated against a member of the Kerala Civil Judicial Service or the Kerala Criminal Judicial Service or the Kerala Judicial Ministerial Service or the Kerala Last Grade Service referred to in the Note to Rule 23 of these rules or any original order or order on appeal passed by a subordinate authority under these rules or the rules repealed by rule 39 and, after consultation with the Commission where such consultation is necessary,—

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dtd. 24-8-1978

(a) confirm, modify or set aside the order;

(b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order;

(c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as they consider proper in the circumstances of the case; or

(d) pass such order as they deem fit:

Provided that,

(i) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty;

(ii) if the State Government propose to impose any of the penalties specified in items (v) to (ix) of rule 11 (1) on a case where an inquiry under rule 15 has not been held, they shall, subject to the provisions of rule 18, direct that such inquiry be held and thereafter on consideration of the proceedings of such

inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty, pass such orders as they may deem fit.

35. Review of original orders.—There shall be a review of original orders, on application of party, by Government. There shall be only one review and application for review shall be made within a period of two months from the date of the order:

Provided that Government may entertain an application made after the expiry of the said period of two months, if they are satisfied that the applicant had sufficient cause for not making the application within the period.

G.O. (Ms.)
174 78 GAD
dtd. 3-4-1978

36. Powers of Government to call for records at any stage.—The Government may call for the record of any inquiry at any stage pending before any authority other than a Tribunal appointed under these rules and may themselves conduct the inquiry or pass such other orders in accordance with these rules, as they think fit having regard to the circumstances of each case.

37. Review of orders by appellate authorities.—The authority to which an appeal against an order imposing any of the penalties specified in rule 11 (1) lies may of its own motion or otherwise, call for the records of the case in a disciplinary proceedings, review any order passed in such a case and, after consultation with the Commission where such consultation is necessary, pass such orders as it deems fit, as if the Government servant had preferred an appeal against such order:

Provided that no application for review shall be entertained after the expiry of a period of one month from the date of passing the order:

Provided further that no action under this rule shall be initiated more than one year after the date of the order to be reviewed.

PART VIII

SUBMISSION OF REPORT

38. *Submission of Report.*—Every authority other than the Government empowered to impose any of the penalties specified in rule 11(1) shall submit to the Government in the Administration Department concerned a quarterly statement of cases where any of the aforesaid penalties have been imposed or where a member of a service is suspended under rule 10. Every appellate authority other than the Government shall likewise submit a quarterly statement of cases disposed of to the Government in the Administrative Department:

Provided that, disciplinary authorities and appellate authorities subordinate to the Heads of Departments shall forward such quarterly statements to the Heads of Departments concerned who shall forward to Government a consolidated quarterly statement in respect of all cases in their Departments as contemplated in the rule.

PART IX

MISCELLANEOUS

39. *Repeal and savings.*—(1) The Kerala Civil Services (Classification, Control and Appeal) Rules, 1957, are hereby repealed:

Provided that,

(a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder;

(b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules repealed by sub-rule (1) in respect of any order passed before the commencement of these rules.

(3) An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these rules.

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40. Nothing contained in these rules shall apply to the recovery of cost of correction or revision in survey work from the pay of the concerned member of the Kerala Survey and Land Records Subordinate Service.

41. *Removal of doubts.*—Where a doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the State Government whose decision thereon shall be final.

SCHEDULE I

(See Rule 7)

KERALA STATE SERVICES

1. The Kerala Agricultural Service.
2. The Kerala Agricultural Income Tax and Sales Tax Service.
3. The Kerala Animal Husbandry Service.
- 3A. The Kerala Architectural Service.
- 3B. The Kerala Civil Judicial Service.
4. The Kerala Civil Service (Executive).
- 4A. The Kerala Civil Supplies Service.
5. The Kerala Co-operative Service.
- 5A. The Kerala Craftsman Training Service.
- 5AA. The Kerala Criminal Judicial Service.
- 5B. The Kerala Collegiate Education Service.
- 5C. The Kerala Dairy Development Service.
- 5D. The Kerala Drugs Control Service.
- 5E. The Kerala Electrical Inspectorate Service.
6. [*** *** *** ***]
7. The Kerala Engineering Service.
8. The Kerala Excise and Prohibition Service.
- 8A. The Kerala Factories and Boilers Service.
9. The Kerala Fire Service.
10. The Kerala Fisheries Service.
11. The Kerala Forest Service.
12. The Kerala General Service.
- 12A. The Kerala Geology Service.
- 12B. The Kerala General Education Service.
13. The Kerala Government Presses Service.
14. The Kerala Harijan Welfare Service.
- 14A. The Kerala Harijan Welfare Tribal Research and Training Centre Service.
15. The Kerala Health Service.

- 15A. The Kerala State Higher Judicial Service.
16. The Kerala Hindu Religious and Charitable Endowments Service.
- 16A. The Kerala Homoeopathic Service.
17. The Kerala Industries Service.
- 17A. [*** *** ***]
18. The Kerala Jail Service.
- 18A. [*** *** ***]
19. The Kerala Labour Service.
20. The Kerala Local Fund Audit Service.
- 20A. The Kerala Lotteries Service.
- 20B. The Kerala Medical Education Service.
21. The Kerala Municipal Commissioner's Service.
- 21A. The Kerala National Employment Service.
22. The Kerala National Savings Service.
- 22A. The Kerala Port Service.
- 22AA. The Kerala Panchayat Service.
23. The Kerala Public Health Engineering Service.
- 23A. The Kerala Public Health Nursing Service.
24. The Kerala Public Relations Service.
25. The Kerala Registration Service.
26. The Kerala Revenue Service.
27. The Kerala Secretariat Service.
- 27A. The Kerala Social Welfare Service.
- 27B. The Kerala Soil Conservation Service.
28. The Kerala State Transport Service.
29. The Kerala Stationery Service.
- 29A. The Kerala State Insurance Service.
30. The Kerala Statistics and Economics Service.
- 30A. [*** *** *** ***]
31. The Kerala Survey and Land Records Service.
- 31A. The Kerala Technical Education Service.
- 31B. The Kerala Tourism Service.
- 31C. The Kerala Town Planning Service.
32. [*** *** *** *** ***]
- 32A. The Kerala Treasury Service.
- 32B. The Kerala Water Transport Service.
33. The Kerala Weights and Measures Service.

SCHEDULE II

(See Rule 8)

KERALA SUBORDINATE SERVICES

1. The Kerala Agricultural Subordinate Service.
2. The Kerala Agricultural Income Tax and Sales Tax Subordinate Service.
3. The Kerala Animal Husbandry Subordinate Service.
4. The Kerala Archaeological Subordinate Service.
- 4A. The Kerala Architectural Subordinate Service.
- 4B. The Kerala Civil Supplies Subordinate Service.
5. The Kerala Co-operative Subordinate Service.
- 5A. The Kerala Craftsman Training Subordinate Service.
- 5B. The Kerala Collegiate Education Subordinate Service.
- 5C. The Kerala Dairy Development Subordinate Service.
- 5D. The Kerala Drugs Control Subordinate Service.
- 5E. The Kerala Electrical Inspectorate Subordinate Service.
6. [*** ** * * * * *]
7. The Kerala Engineering Subordinate Service.
8. The Kerala Excise and Prohibition Subordinate Service.
- 8A. The Kerala Factories and Boilers Subordinate Service.
9. The Kerala Fire Subordinate Service.
10. The Kerala Fisheries Subordinate Service.
11. The Kerala Forest Subordinate Service.
12. The Kerala General Subordinate Service.
- 12A. The Kerala Geology Subordinate Service.
- 12B. The Kerala General Education Subordinate Service.
13. The Kerala Government Presses Subordinate Service.
14. The Kerala Harijan Welfare Subordinate Service.
- 14A. The Kerala Harijan Welfare Tribal Research and Training Centre Subordinate Service.
15. The Kerala Health Subordinate Service.
- 15A. The Kerala Homoeopathic Subordinate Service.

16. The Kerala Industries Subordinate Service.
- 16A. The Kerala Indigenous Medicine Subordinate Service.
17. The Kerala Jails Subordinate Service.
18. The Kerala Judicial Ministerial Service.
19. The Kerala Labour Subordinate Service.
20. The Kerala Last Grade Service.
21. The Kerala Local Fund Audit Subordinate Service.
- 21A. The Kerala Lotteries Subordinate Service.
- 21B. The Kerala Medical Education Subordinate Service.
22. The Kerala Ministerial Subordinate Service.
- 22A. The Kerala Museum and Zoos Subordinate Service.
23. The Kerala National Employment Subordinate Service.
- 23A. The Kerala Port Subordinate Service.
- 23B. The Kerala Panchayat Subordinate Service.
- 23C. The Kerala Part-time Contingent Service.
24. The Kerala Public Health Engineering Subordinate Service.
- 24A. The Kerala Public Health Nursing Subordinate Service.
25. The Kerala Public Relations Subordinate Service.
26. The Kerala Registration Subordinate Service.
27. The Kerala Revenue Subordinate Service.
28. The Kerala Secretariat Subordinate Service.
- 28A. The Kerala Social Welfare Subordinate Service.
- 28B. The Kerala Soil Conservation Subordinate Service.
29. The Kerala Stationery Subordinate Service.
30. The Kerala Statistics and Economics Subordinate Service.
- 30A. [*** ** * ** *]
31. The Kerala State Transport Subordinate Service.
32. The Kerala Survey and Land Records Subordinate Service.
- 32A. The Kerala Technical Education Subordinate Service.
33. [*** ** * ** *]
- 33A. The Kerala Tourism Subordinate Service.
- 33B. The Kerala Town Planning Subordinate Service.
- 33C. The Kerala Treasury Subordinate Service.
- 33D. The Kerala Water Transport Subordinate Service.
34. The Kerala Weights and Measures Subordinate Service.

APPENDIX

(See Rule 12)

<i>Posts</i>	<i>Penalties impose</i>	<i>Authority which may impose the penalties</i>
(1)	(2)	(3)

THE KERALA JAILS SERVICE

Superintendents and Jailors of Central Jail	Reprimand	Deputy Inspector—General of Prisons or Inspector—General of Prisons.
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THE KERALA JAILS SUBORDINATE SERVICE

1. Deputy Jailors of Central Jails, Jailors	Reprimand Special Sub Jails	Superintendents of Central Jail or Special Sub Jail, as the case may be.
2. Sub Jail Superintendents	Reprimand or removal from Office of special emoluments	Deputy Inspector—General of Prisons or Inspector—General of Prisons.
3. Assistant Jailors I and II Grades	Removal from Office of special emoluments Reprimand	Deputy Inspector—General of Prisons or Inspector—General of Prisons. Superintendents of Central Special Sub Jail or Jail, Borstal School, as the case may be.
4. Chief Warders, Gate Keepers, Reserve Head Warders and Head Warders	Removal from Office of special emoluments Reprimand or black mark	Deputy Inspector—General of Prisons or Inspector—General of Prisons. Superintendents of Central Jails, Special Sub Jails, A Class Sub Jails or Borstal School, as the case may be.

(1)	(2)	(3)
5. Warders I and II Grades	Petty punishments such as extra drill extra guard and fatigue duty; reprimand or black mark	Superintendent of Central Jails, Special Sub Jails, A Class Sub Jails or Borstal School, as the case may be.
	Removal from office of Special emoluments	Deputy Inspector—General of Prisons or Inspector—General of Prisons.

Public (Services B) Department

No. 83182/60-1.

Dated, Trivandrum, 25th January, 1961.

MEMORANDUM

Sub.—Public Services—Withholding of increments—Procedure to be strictly observed.

An instance has come to the notice of Government where the increment due to an officer was not allowed on the ground that his work was not satisfactory but at the same time there was no specific order withholding the increment, at the end of a proper disciplinary proceedings. Under Article 96 T.S.R. as well as under Rule 31, Chapter IV, Part I of K.S.R., an increment should ordinarily be allowed unless it is withheld. Under the Kerala Civil Services (Classification, Control and Appeal) Rules, 1957, as well as under the K.C.S. (Classification, Control and Appeal) Rules, 1960, the withholding of increments is a specific penalty and before imposing such penalty, the prescribed procedure has to be followed. As regards stoppage at an efficiency bar it was a specific penalty under K.C.S. (Classification, Control and Appeal) Rules, 1957, but not so under the K.C.S. (C.C. and A) Rules, 1960 (vide Rules 9 and 11 respectively of the C.C. and A Rules, 1957 and 1960). The denial of increments without following the prescribed disciplinary procedure, will, therefore be irregular. All Heads of Departments and Offices are, therefore requested to comply with the provisions of rules before withholding increments of any officer under the in control.

A. G. MENON,

Chief Secretary to Government.