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കേരള സർക്കാർ
Government of Kerala
2018



Regn. No. KERBIL/2012/45073
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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Finance (Pension-B) Department

NOTIFICATION

G. O. (P) No. 128/2018/Fin.

Dated, Thiruvananthapuram, 10th August, 2018
25th Karkadakam, 1193.

S. R. O. No. 572/2018.—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 Service Rules, namely:—

33/3163/2018/S-1.

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Service (Eleventh Amendment) Rules, 2018.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In Part III of the Kerala Service Rules, in rule 14E,—

(1) for sub-rule (a), the following sub-rule shall be substituted, namely:—

“(a) Aided school service put in by Government employees prior to entry in Government service qualifies, subject to the following conditions, namely:—

(i) Only regular full time aided school service rendered after the introduction of Direct Payment System in aided school shall be reckoned for pension;

(ii) In cases of resignation of the appointment in aided school for the purpose of taking up appointment in Government, break, if any, between the aided school service and Government service shall not exceed the joining time admissible under the service rules, plus public holidays. Service prior to resignation for other purposes shall not be counted.”

(2) After sub-rule (c), the following sub-rule shall be inserted, namely:—

“(d) Regular aided school service shall be reckoned along with regular aided college service and vice versa.”

By order of the Governor,

DR. SHARMILA MARY JOSEPH, I. A. S.,
Secretary, Finance (Expenditure).

Explanatory Note

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

Teaching and non teaching staff of aided schools/colleges do not come under the Public Services Act, 1968 (19 of 1968) and all the benefits enjoyed by the State Government Employees are not applicable to them. Under rule 10 of Part III, Kerala Service Rules, service of an employee does not qualify for pension unless he is appointed, his duties regulated and paid by the Government or under conditions determined by the Government. It is only because Direct Payment System was introduced and in the light of rule 11 of Part III, Kerala Service Rules that the aided school teachers who have opted for parity with Government teachers are granted retirement benefits under the rules in Chapter XXVII-B of the Kerala Education Rules, as in the case of Government service. As per sub-rules (a) and (b) of rule 14E of Part III Kerala Service Rules, the regular full time aided school/college service of Government employees prior to their entry in Government service qualifies for pension. Under sub-rule (c) of rule 14E, the regular full time Government service of an aided school/college staff prior to his entry in aided school/college service qualifies for pension. But, there is no corresponding provision for counting prior service in between aided schools and colleges for pensionary benefits.

Hence considering the writ petitions filed by aided school/college staff pleading for considering their prior aided school/college service as qualifying service, for pension, the Government have issued G. O. (P) No. 21/2018/Fin. dated 16th February, 2018 and G. O. (P) No. 47/2018/Fin. dated 21st March, 2018 by which the regular aided school/college service of aided school/college employees prior to their regular service shall be reckoned as qualifying service up to 1st June, 2016. It has also been decided to place corresponding provision as sub-rule (d) in rule 14E of Part III of the Kerala Service Rules. Accordingly the Government have decided to amend Part III of the Kerala Service Rules suitably.

The notification is intended to achieve the above object.