



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

CIN:U40100KL2011SGC027424

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No. PSI (B)/1343/2018

Date: 12.06.2023

CIRCULAR

Sub: Kerala Service (Twelfth Amendment) Rules, 2019 – Amendment of the Rules in Part III of Kerala Service Rules, for Rule 31 – calculation of qualifying service for pension - rendering clarification with regard to the adoption of G.O (P) No. 165/2019/Fin dtd. TVPM 27.11.2019 - Regarding.

Ref: 1. G.O (P) No. 165/2019/Fin dtd. TVPM 27.11.2019
2. B.O (FTD) No. 55/2020 (PS I (B)/1343/2018) dtd. TVPM 25.01.2020
3. Note No. EBPS 17/GI/Strike clarification/2023 dated. 23.05.2023 of the Accounts officer, Pension Sanction, Vidyuthi Bhavan, Pattom.
4. Note No. PS1 (B)/1343/2018) dtd. 06.06.2023 Submitted before the Chairman & Managing Director, KSEBL.

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 as per paper referred as 1st above had made Amendment in Rule 31 in Part III of the Kerala Service Rules by incorporating Kerala Service (Twelfth Amendment) Rules, 2019. The same has been published in the Kerala Gazette (extra ordinary) vide notification dtd. 30.11.2019 and the gist of the said notification is illustrated hereunder.

Kerala Service (Twelfth Amendment) Rules, 2019.

1. These rules called the Kerala Service ((Twelfth Amendment) Rules, 2019, will have applicability with effect from the 16th day of December 2009.
2. Amendment of the Rules – (1) – In Part III of the Kerala Service Rules, for Rule 31 and note below it, the following shall be substituted, namely :-

“31(a) Interruptions in the service of an employees will not count for pension:

Provided that the regular service before interruption is eligible to be reckoned as qualifying service for pension and the period of such interruption shall be condoned, unless otherwise specified.

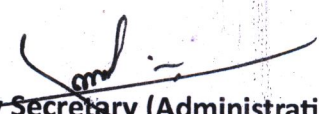
(b). Where the period of interruption in the service on account of participation in the strike is treated as 'Dies-Non', such period shall count for pension”.

(2) The Government Decision No. 8 below Rule 14 E Part III KSRs, shall be deleted.

In the explanatory note attached to the said notification it has been unambiguously mentioned that as per rule 14A, Part I of the Kerala Service Rules, the period of unauthorized absence of an Officer on account of participation in strike shall be treated as 'Dies-Non'. Further, it is made clear beyond the shadow of a doubt that vide the Kerala Service (Twelfth Amendment) Rules, 2019 a provision has been incorporated in the Kerala Service Rules to the effect that the period of interruption of an Officer treated as 'Dies-Non' shall count for pension.

Eventhough KSEBL vide paper referred as 2nd above had already adopted the Government Order referred as 1st above for implementation, vide note referred as 3rd above it was reported that certain ARUs had been facing some practical difficulties in its implementation due to the lack of clarity of the Board Order referred as 2nd above and therefore it was requested to issue clarification regarding the applicability of the same, in order to calculate the qualifying service for pension and allied matters. Having contemplated the matter in detail, vide paper referred as 4th above, sanction was accorded by the Chairman & Managing Director to issue a comprehensive Circular so as to dispel all doubts and apprehensions in this regard.

Accordingly, all ARU Heads, concerned, are hereby instructed to strictly comply with the stipulations laid down in the paper referred as 1st above, while dealing with calculation of qualifying service for pension and allied matters. (The G.O referred as 1st above is appended herewith)


Deputy Secretary (Administration)
In charge of Secretary (Administration)

To:

1. The Chief Engineer (HRM)
2. All ARU Heads

Copy to:

All Chief Engineers/All Deputy Chief Engineers/All Executive Engineers/
The Financial Adviser/Chief Internal Auditor/Legal Adviser & Disciplinary Enquiry
Officer/The Chief Vigilance Officer/The Chief Public Relations Officer, The TA to
Chairman & Managing Director /The TA to Director (D, SCM & IT)/The TA to Director
(T, SO & REES)/ The TA to Director (Generation & Electrical)/The TA to Director
(Generation (Civil))/The Company Secretary/The Deputy Secretary (Admn)/The PA to
Director (Finance) [addition to the charge of Director (HRM)]/CA to Secretary
(Admn)/ The FC Superintendent/Record Section/Library/Stock File.



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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ശനി
Thiruvananthapuram,
Saturday

2019 നവംബർ 30
30th November 2019

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14th Vrishchikam 1195

1941 അഗ്രഹായനം 9
9th Agrahayana 1941

നമ്പർ
No.

2938

GOVERNMENT OF KERALA

Finance (Pension-B) Department

NOTIFICATION

G.O.(P)No.165/2019/FIN

Dated, 27th November, 2019

S. R. O. No. 938/2019

Thiruvananthapuram

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:-



RULES

1. *Short title and commencement.*- (1) These rules may be called the Kerala Service (Twelfth Amendment) Rules, 2019.

(2) They shall be deemed to have come into force on the 16th day of December, 2009.

2. *Amendment of the Rules.*- (1) In Part III of the Kerala Service Rules, for rule 31 and NOTE below it, the following shall be substituted, namely:-

“31(a) Interruptions in the service of an employee will not count for pension:

Provided that the regular service before interruption is eligible to be reckoned as qualifying service for pension and the period of such interruption shall be condoned, unless otherwise specified.

(b) Where the period of interruption in the service on account of participation in strike is treated as 'Dies-Non', such period shall count for pension.”

(2) The Government Decision No.8 below Rule 14E Part III KSRs, shall be deleted.

By order of the Governor,
SANJEEV KAUSHIK IAS,
Principal Secretary (Finance Expenditure).

Explanatory Note

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

As per rule 14A, Part I of the Kerala Service Rules the period of unauthorized absence of an officer on account of participation in strike shall be treated as 'Dies-Non'. During the period of 'Dies-Non', he shall not be eligible for pay and allowances and the period shall not be counted for admissibility of pay and allowances, and the period shall not be counted for admissibility of earned leave but the period shall be counted for the purposes of increment and half pay leave. Now, the Government have decided to incorporate a provision in the Kerala Service Rules to the effect that the period of interruption of an officer treated as Dies-Non shall count for pension. The Government also intends that the period in which one was thrown out of service for lack of vacancy or otherwise is not



eligible to be reckoned as qualifying service for pension and only interruption in service which is regularized is eligible to be reckoned as qualifying service for pension. If the orders regularizing the interruption does not specify otherwise. To give statutory validity to the above said decision of the Government, the Government have decided to amend rule 31 of Part III of the Kerala Service Rules suitably.

The notification is intended to achieve the above subject.

