



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

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GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

NOTIFICATION

G.O. (P) No.17/2023/P&ARD .

Dated, Thiruvananthapuram, 30th November, 2023.

S. R. O. No. 1298/2023

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 State and Subordinate Services Rules, 1958, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (3rd Amendment) Rules, 2023.

(2) They shall come into force at once.



2. *Amendment of the rules.*—In Part II of the Kerala State and Subordinate Services Rules, 1958,—

(1) in rule 38, the following proviso shall be inserted , namely:—

“Provided that request for relinquishment of right for promotion/appointment by transfer to a post, under the above rule, shall not be allowed if such request for relinquishment is submitted by the employee on or after the date of order by which the person was promoted or appointed by transfer to the said post.”

(2) In the Explanation to rule 38, after the word “promotion” wherever it occurs, the words “or appointment by transfer” shall be inserted.

By order of the Governor,

Dr. A. JAYATHILAK IAS

Additional Chief Secretary to Government.

Explanatory Note

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

As per Rule 38 of Part II of Kerala State and Subordinate Services Rules, 1958 the Government Employees can relinquish their right for promotion to which they may be entitled as per rules, if such relinquishment is not opposed to public interest. It has come to notice that requests for relinquishment as per the above rule are being placed by several employees after the issue of order of promotion/appointment by transfer, with the sole purpose to evade from transfers consequent to such appointments. This practice not only causes unnecessary administrative delay in filling vacant posts but also leads to administrative complexities such as seniority disputes and claims for notional promotion. Absence of a specific provision in rule 38 of Part II of Kerala State and Subordinate Services Rules, creates a lot of confusion and ambiguity in the matter and as a result of which, incongruous decisions are being taken by various departments in the matter. Hence, in order to bring more clarity and preciseness in the matter, the Government have decided to amend the said Rules.

The notification is intended to achieve the above object.

