

പതിമൂന്നാം കേരള നിയമസഭ  
 പതിമൂന്നാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത  
 ചോദ്യം നമ്പർ : 1779

17-03-2015ലെ മറുപടിക്ക്

നിയമനത്തിൽ സംവരണം

ചോദ്യം	ഉത്തരം
ശ്രീമതി. കെ. കെ. ലതിക :	ശ്രീ. ഉമ്മൻ ചാണ്ടി (മുഖ്യമന്ത്രി)
(എ) സംസ്ഥാനത്ത് ഏതൊക്കെ അർദ്ധ സർക്കാർ സർക്കാരിതര സ്ഥാപനങ്ങൾ എന്നിവയിലാണ് നിയമനകാര്യങ്ങളിൽ സംവരണ തത്വങ്ങൾ പാലിച്ചുവരുന്നതെന്ന് വ്യക്തമാക്കുമോ ;	(എ) } വിവരം ശേഖരിച്ച് നൽകുന്നതാണ്.
(ബി) സർക്കാർ നേരിട്ട് ശമ്പളം നൽകുന്ന ഏതൊക്കെ സ്ഥാപനങ്ങളിലാണ് സംവരണതത്വം നിയമനത്തിൽ പാലിക്കപ്പെടാത്തത് എന്ന് വ്യക്തമാക്കുമോ ;	(ബി) }
(സി) ഇത്തരം സ്ഥാപനങ്ങളിൽ സംവരണം പാലിക്കുവാൻ നിർദ്ദേശങ്ങൾ നൽകിയിട്ടുണ്ടോ ; ഉണ്ടെങ്കിൽ അത്തരം ഉത്തരവുകൾ, സർക്കുലറുകൾ എന്നിവയുടെ പകർപ്പുകൾ ലഭ്യമാക്കുമോ ?	(സി) സംസ്ഥാനത്തെ പൊതുമേഖലാ സ്ഥാപനങ്ങളിലെ നിയമനങ്ങളിൽ സംവരണം പാലിക്കുവാൻ താഴെ പറയുന്ന കത്ത്/ഉത്തരവ്/ സർക്കുലറുകൾ പ്രകാരം നിർദ്ദേശം നൽകിയിട്ടുണ്ട്.

സർക്കാർ കത്ത് നം. 91333/SD1/80/GAD  
 തീയതി. 27.11.1980

G.O.(Ms)No.148/81/GAD തീയതി.7.5.1981


സർക്കാർ കത്ത് നം. 16309/82/BPE/Plg.  
 തീയതി.20.10.1982

സർക്കുലർ നം. 14896/BPE.2/91/Plg.  
 തീയതി 28.2.1992

സർക്കുലർ നം. 12068/BPE.2/93/Plg.  
തീയതി. 1.3.94

സർക്കുലർ നം. 20025/BPE.2/94/Plg.  
തീയതി. 29.6.1995

പകർപ്പ് അനുബന്ധമായി  
ഉൾക്കൊള്ളിക്കുന്നു. മറ്റുള്ള  
സ്ഥാപനങ്ങളെ സംബന്ധിച്ച  
ഉത്തരവുകൾ/സർക്കുലറുകൾ  
എന്നിവയുടെ പകർപ്പുകൾ ശേഖരിച്ചു  
നൽകുന്നതാണ്.



സെക്ഷൻ ഓഫീസർ

The Committee has also pointed out in the report that even though there are instructions that to submit quarterly review report to the concerned Administrative Department and the BPE not later than the 10th of the month, succeeding each quarter, most of the Public Sector Undertakings do not observe these instructions. All Public Sector Undertakings are therefore directed to ensure strict compliance with instructions. Chief Executives will be held responsible for any lapse in the matter.

Yours faithfully,

K. M. CHANDRASEKHAR,

Secretary to Government.

Copy of Government letter No. 94333/SDI 80/GAD dated 27th November, 1980 from the Special Secretary, General Administration Department addressed to the Chief Executives of all Public Sector Undertakings covered by the Kerala Public Service Commission (Additional Functions as Respect Certain Corporations and Companies) Act, 1970 (19 of 1970) and the Rules issued thereunder. The Secretary, Kerala State Electricity Board, Trivandrum. The General Manager, Kerala State Road Transport Corporation, Trivandrum. The Secretary, Kerala State Housing Board, Trivandrum.

Sub — Public Services—Appointment in the Companies and Corporations—Principles of communal reservation and rotation—Instructions.

Ref.—1. Govt. Lrs. No. 93950/SDJ/70/PD, dated 5th June 1971, and 26th July 1971.

2. Govt. Lr. No. 101681/SD4/75/PD, dated 29th October 1975.

3. Govt. Lr. No. 132417/SD1/76/GAD, dated 6th September 1977.

4. Govt. Lr. No. 129266/SD1/77/GAD, dated 28th January 1978.

With a view to giving fair and equitable treatment to all applicants in the recruitment to the Public Sector Undertakings, the Kerala Public Service Commission (Additional Functions as Respect Certain Corporations and Companies) Act, 1970 (19 of 1970) was enacted with effect from 30th November 1970. For carrying out the purposes of the Act, the Kerala Public Service Commission (Consultation by Corporations and Companies) Rules, 1971 were issued with effect from 1st May 1971.

2. The following instructions have already been issued in the Government letters cited to the Chief Executives of the Corporations and Companies covered by the above Aesamal Rules, in the matter of recruitment and their concerns.

(i) That all employees of the individual Corporations and Companies, excluding "workers" as defined in the Factories Act and excluding persons employed in supervisory or managerial capacity, whose basic starting salary (excluding Dearness Allowance, Incentive Bonus, Annual Bonus etc.) exceeds Rs 700 are to be recruited by the Public Service Commission;

(ii) That temporary filling up of vacancies should be discouraged and wherever necessary, such recruitment is to be restricted to candidates nominated by the Employment Exchange as per rules;

(iii) That those categories excluded by item (i) above are to be recruited by Committees set up by the Board of Directors with not less than three members, and would be subject to the principles of communal rotation as laid down in Rules 14 to 17 of the Kerala State and Subordinate Services Rules, Part II as far as is practicable;

(iv) That in such cases, wherever Backward Communities including Scheduled Castes and Scheduled Tribes are not sufficiently represented, as much weightage as possible is to be given while filling up vacancies arising in the near future;

(v) 8 percent reservation should be allowed to Scheduled Castes and 2 per cent to Scheduled Tribes to all posts within the purview of the Public Service Commission;

(vi) While making recruitment to the category of workers, reservation should be given to the members of Scheduled Castes/Scheduled Tribes as far as possible; but on no account it should be less than 8 per cent to Scheduled Castes and 2 per cent to Scheduled Tribes.

(vii) A special recruitment of Scheduled Castes and Scheduled Tribes may be made to one post of middle level executive and 5% of posts in the lower category including workers, provided that by such special recruitment to the total number of Scheduled Castes/Scheduled Tribes in each category will not exceed the percentage fixed in item (v) above;

(viii) In case vacancies do not arise in these posts within the next six months to accommodate the persons directly recruited, sufficient number of posts may be created temporarily to accommodate them. They will be absorbed in future regular vacancies treating them as Supernumeraries;

(ix) If candidates without sufficient previous experience in the field are recruited direct steps may be taken by the Company to give training to them during their probation before they are given independent charge.

11. In spite of the above instructions in the matter of complaints against the employees from various quarters that the principles of reservation and promotion are not strictly followed by the Corporations and Companies in the matter of recruitment, Government are anxious that the above instructions should be followed in the Corporations and Government Companies in the matter of all recruitments and that due representation as envisaged in Rule 14 to 17 in Part II of the Kerala State and Subordinate Service Rules, 1958, should be given to the Scheduled Castes and Scheduled Tribes and other Backward Class candidates in all direct recruitments to the Public Sector Undertakings.

4. I am therefore directed to request you to take note of the above position and to place the matter before the Board of Directors at the next meeting. The decision taken to implement Government orders may also be communicated to Government in the Administrative Department of the Secretariat with copy to this Department in due course.

5. The receipt of this letter may be acknowledged.

Yours faithfully,

E. R. PADMANI,

*Additional Secretary,*

*For Spl. Secretary to Government.*

PLANNING AND ECONOMIC AFFAIRS (BPE)  
DEPARTMENT

(Bureau of Public Enterprises)

No. 12507/82/BPE/Plg., dated *30/1/1983* Trivandrum, 3rd January 1983.

CIRCULAR

Sub.—Inspection—Inspection to assess the progress in special recruitment of Scheduled Castes/Scheduled Tribes in Public Sector Undertakings—Maintenance of Register—Regarding.

Inspection of the offices of Public Sector Undertakings have so far been conducted by the General Administration (Employment Cell) Department to assess the progress achieved in the special

GENERAL ADMINISTRATION (SERVICES-D)  
DEPARTMENT

NOT (Ms.) No. 148/31/GAD., Trivandrum, dated 7th May 1981

*Abstract.*—Companies and Corporations—Recruitment—Adherence to the rules of reservation—Study entrusted to the Commissioner for Public Enterprises—Orders issued.

- Read.*—1. Government letter No. 93950/SD5/70/PD, dated 5th June 1971 and 26th July 1971.  
2. Government letter No. 101681/SD4/75/PD, dated 29th October 1975.  
3. Government letter No. 132417/SD1/76/GAD, dated 6th September 1977.  
4. Government letter No. 129266/SD1/77/GAD, dated 28th January 1978.  
5. G. O. (Ms.) No. 9/79/Plg., dated 17th March 1979.  
6. Government letter No. 91333/SD1/80/GAD, dated 27th November 1980.

ORDER

With a view to giving fair and equitable treatment to all applicants in the recruitment to the Public Sector Undertakings, the Kerala Public Service Commission (Additional Functions as Respects certain Corporations and Companies) Act, 1970 (19 of 1970) was enacted with effect from 30th November 1970. For carrying out the purposes of the Act the Kerala Public Service Commission (Consultation by Corporation and Companies) Rules, 1971 were issued with effect from 11th May 1971.

2. The following instructions have already been issued in the Government letters cited to the Chief Executives of the Corporations and Companies covered by the above Act and Rules, in the matter of recruitment in their concerns.

(i) That all employees of the individual Corporations and Companies excluding workers as defined in the Factories Act and existing persons employed in Supervisory or managerial capacity, whose basic starting salary (excluding Dearness Allowances, Incentive Bonus, annual bonus, etc.) exceeds Rs. 700 are to be recruited by the Public Service Commission.

(ii) That temporary filling up of vacancies should be discouraged and wherever necessary such recruitment is to be restricted to candidates nominated by the Employment Exchange as per rules;

(iii) That those categories excluded by item (i) above are to be recruited by 'Committees' set up by the Board of Directors with not less than three members, and would be subject to the principles of communal rotation as laid down in Rules 14 to 17 of the Kerala State and Subordinate Services Rules Part II as far as is practicable;

(iv) That in such cases, wherever Backward Communities including Scheduled Castes and Scheduled Tribes are not sufficiently represented, as much weightage as possible is to be given while filling up vacancies arising in the near future;

(v) 3 per cent reservation should be allowed to Scheduled Castes and 2 per cent to Scheduled Tribes to all posts within the purview of the Public Service Commission;

(vi) While making recruitment to the category of workers, reservation should be given to the members of Scheduled Castes/ Scheduled Tribes as far as possible; but on no account it should be less than 8 per cent to Scheduled Castes and 2 per cent to Scheduled Tribes;

(vii) A special recruitment of Scheduled Castes and Scheduled Tribes may be made to one post of middle level executive and 5 per cent of posts in the lower category including workers, provided that by such special recruitment the total number of scheduled Castes/Scheduled Tribes in each category will not exceed the percentage fixed in item (v) above.

(viii) In case vacancies do not arise in these posts within the next six months to accommodate the persons directly recruited, sufficient number of posts may be created temporarily to accommodate them. They will be absorbed in future regular vacancies, treating them as supernumeraries;

(ix) If candidates without sufficient previous experience in the field are recruited direct, steps may be taken by the Company to give training to them during their probation before they are given independent charge.

3. In spite of the above instructions in the matter, complaints have been voiced from various quarters that the principles of reservation and rotation are not strictly followed in the Corporations and Companies in the matter of recruitment, Government are anxious that the above instructions should be followed in the Corporations and Government Companies in the matter of all recruitment and that due representation as envisaged in rules 14 to 17 in Part II of the Kerala State and Subordinate Service Rules, 1958 should be given to the Scheduled Castes and Scheduled Tribes and other backward class candidates in all direct recruitments to the Public Sector Undertakings.

4. In the letter read as sixth paper the Government therefore reiterated the instructions and requested the Chief Executives of all Public Sector Undertakings to take note of the position and to place the matter before the Board of Directors at the next meeting and to communicate to Government the decision taken to implement the Government orders. The Government have also decided to make a study on the working of the Public Sector Undertakings in regard to recruitment and see whether the rules of reservation are being followed as is done in Government service and to entrust the work to the Commissioner for Public Enterprises.

5. The Commissioner for Public Enterprises will conduct a study on all the Public Undertakings in the State and will ensure that rules of reservation are strictly followed as envisaged. This will be in addition to the functions of the Commissioner specified in the G.O. read as fifth paper.

(By order of the Government)

M. S. K. RAMASWAMY,

*Special Secretary to Government.*

GENERAL ADMINISTRATION (SERVICES-D)

DEPARTMENT

G.O. (Ms.) No. 114/85/GAD, Trivandrum, dated 20th March 1985

*Abstract.*—Government owned Companies and Corporations and Public Sector Undertakings—Reservation to Scheduled Castes and Scheduled Tribes candidates in appointments—Review of Progress—Constitution of Committees—Orders issued.

*Read.*—G.O. (Ms.) No. 149/85/GAD, dated 7th May 1981.

ORDER

In the G. O. read above it was ordered among other things, that the Commissioner for Public Enterprises would conduct a study on all the Public Undertakings in the State and would ensure that rules of reservation were strictly followed as envisaged. Accordingly the Commissioner for Public Enterprises studied the question of representation given to Scheduled Caste and Scheduled Tribe candidates in appointments in 83 Public Sector Undertakings in the State and has submitted a report to Government.

2. The study has revealed that:

(i) in 30 undertakings mentioned in Appendix I representation given to Scheduled Caste and Scheduled Tribe candidates is only between 5 per cent and 10 per cent.

PLANNING AND E. A. DEPARTMENT (BUREAU OF  
PUBLIC ENTERPRISES)

No. 16309/82/BPE/Plg., Trivandrum, dated, 20th October 1982

From

The Commissioner for Public Enterprises

To

The Managing Director,

Sir,

*Sub.*—Public Sector Undertakings—Representation of Scheduled Castes/Scheduled Tribes in the appointments made in the Public Sector Undertakings—Regarding.

*Ref.*—(1) Letter No. 2729/EC 2/80/GAD, dated 31st December 1980.  
(2) Letter No. 19/81/CPE, dated 15th February 1982.

The Government have already decided that there should be a specific provision in the M M and Articles of Association of Public Sector Undertakings requiring them to follow the principles of reservation as applicable to Government appointments in making appointments to the service in the undertakings. Accordingly the Articles of Association etc., of Public Sector Undertakings should be revised inserting a clause to the effect that

“the principles of reservation as applicable to government appointments should be followed in the matter of all appointments.”

In the letter first cited the Managing Directors/General Managers of all Public Sector Undertakings were requested to place the above decision of the government before the Board of Directors at the next meeting for acceptance.

I am to request you to kindly report whether the above decision has been placed before the Board of Directors for acceptance and if so to let the government know the present position.

Yours faithfully,

R. THYAGARAJAN,

Under Secretary,

For Commissioner for Public Enterprises.

K. K. K.  
Secretary

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4. Government have reviewed the matter and they in supersession of the orders issued in the G. O. read as second paper order that in the cases of "technical and professional" hands in respect of public sector Undertakings also, the decision to re-employment or give extension of service beyond the date of normal superannuation will be taken only with the prior concurrence of the Government.

5. The Government Order read as second paper stands amended to the above extent.

(By Order of the Governor),

PALAT MOHANDAS,

Principal Secretary to Government.

PLANNING AND ECONOMIC AFFAIRS (BPE)  
DEPARTMENT

No. 14896/BPE-2/91/Plg., Thiruvananthapuram,  
dated, 28th February 1992

CIRCULAR

Sub.—Selection of personnels in Public Sector Undertakings—  
Procedure for posts outside the purview of Public  
Service Commission—Streamlining of—

- Ref.—1. Govt. Circular No. 11555/BPE/85/Plg., dated, 13th  
June 1985.
2. Govt. Circular No. 16025/BPE/85/Plg., dated, 5th  
June 1986
3. Govt. Circular No. 39483/G2/87/LBR, dated, 5th  
January 1988.
4. Govt. Circular No. 12068/G1/89/LBR, dated, 4th  
June 1990.

The question of streamlining the procedure for direct recruitment Government Companies and Corporations against posts which are outside the purview of Kerala Public Service Commission has been under the consideration of Government. After detailed examination, following procedures for recruitment against these posts in Public Sector Undertakings which are outside the purview of Public Service Commission, are prescribed for strict compliance by the Chief Executives of Government Companies and Corporations.



(i) The Employment Exchange (Compulsory Notification of Vacancies) Act 1959 stipulates that every establishment in the Public Sector shall before filling any vacancy in any employment in that establishment notify the vacancy to the Employment Exchange concerned. Any failure to notify such vacancies is an offence punishable under that Act. Therefore, the Chief Executives of Public Sector establishments shall notify vacancies in posts outside the purview of Public Service Commission so as to comply with the provisions of Employment Exchange (CNV) Act 1959 and rules made there under.

(ii) Recruitment to Managerial and professional posts carrying a starting basic salary (Excluding D. A. and other allowances) of Rs. 1500 p. m. and above shall be made by selection from the applications received through sufficient advertisement in Newspapers. The candidates sponsored by the Employment Exchange shall also be considered for selection if the details are furnished by the Employment Exchange before call letters are issued to the short listed candidates for interview/test.

(iii) Selection to all other posts (outside the purview of P.S.C.) shall be made from among the candidates sponsored by Employment Exchanges. In these cases the filling up of vacancies by inviting applications through advertisement in News papers should be attempted only after obtaining non-availability certificate from Employment Exchange.

(iv) Recruitment to vacancies should be made by "Committees" set up by the Board of Directors with not less than 3 members and at least one of them being a Government representative.

(v) In respect of direct recruitments, the principles of reservation as applicable to Government appointments should be adhered to. The principles of communal rotation as laid down in rule 14 to 17 of the Kerala Subordinate Service Rules Part-II shall be followed.


(vi) No preference shall be given to the ex-apprentices of the undertaking while making recruitment against permanent vacancies.

(vii) The practice of hiring person on daily wages to man posts which can be filled through Employment Exchange shall be discontinued forthwith. All arising vacancies should be anticipated and action taken in advance to fill them. All amount spent on hiring daily wage employees shall be treated as irregular expenditure, which could be recovered from the appointing authority.

(viii) The instructions already issued by the Government, to the extent they are contrary to the foregoing procedures will stand cancelled from the date of issue of this circular.

S. PADMAKUMAR,

Chief Secretary.

  
S. Padmakumar

PLANNING AND ECONOMIC AFFAIRS (BPE.)  
DEPARTMENT

No. 898/BPE-2/93/Pig., Thiruvananthapuram,  
dated, 23rd February 1998

CIRCULAR

*Sub.*—Selection of Personnels in Public Sector Undertakings—  
Procedure in respect of post which are outside the purview  
of Public Service Commission—Clarification issued.

*Ref.*—Government Circular No. 14896/BPE-2/91/Pig.,  
dated, 28th February 1992.

In sub para 1 (iv) of the Circular cited it is prescribed that  
recruitment in Public Sector Undertakings to posts outside the purview  
of the Public Service Commission should be made by committees set  
up by Board of Directors. The Committee referred to therein is a  
sub-committee of the Board of Directors. The Committee shall  
contain not less than 3 Directors and one of them shall be the Govern-  
ment Director representing the Administrative Department in the  
Secretariat of the undertaking concerned.

2. It is further clarified that individual undertakings need  
approach Government to nominate a Government representative for  
the selection committee only if the Government Director (representing  
the Administrative Department of the undertaking in the Government  
Secretariat) is unable to attend the meeting of the Committee for any  
reason.

C. P. NAIR,  
*Chief Secretary.*

PLANNING AND ECONOMIC AFFAIRS (BPE)  
DEPARTMENT

No. 12068/BPE-2/93/Pig., Thiruvananthapuram,  
dated, 1st March 1994

CIRCULAR

*Sub.*—Selection of Personnel in Public Sector Undertakings—  
Procedure for posts outside the purview of Public Service  
Commission—Streamlining of.

*Ref.*—Government Circular No. 14896/BPE-2/91/Pig.,  
dated, 28th February 1992.

In the Circular cited, Government have prescribed the procedure  
to be followed while making recruitments in the Public Sector to posts  
which are outside the purview of the Kerala Public Service  
Commission.

It has been specified in sub-para V of the above Circular, that  
principles of reservation as applicable to Government appointments  
should be adhered to for appointments in Public Sector Undertakings  
also. But the Legislature Committee on Welfare of Backward classes  
expressed apprehension that the instructions in the Circular could be  
misinterpreted.

It is therefore reiterated that in respect of all recruitments to  
posts outside the purview of the Public Service Commission, each  
Public Sector Undertaking should scrupulously follow the principles  
of reservation as prescribed in rules 14 to 17 of the Kerala  
State and Subsidiary Service Rules, Part II.

R. RAMACHANDRAN NAIR,  
*Chief Secretary.*

PLANNING AND ECONOMIC AFFAIRS (BPE)  
DEPARTMENT

No. 20025/BPE-2/94/Pig., Thiruvananthapuram,  
dated, 29th June 1995

CIRCULAR

*Sub.*—Selection of Personnel in Public Sector Undertakings—  
Procedure for posts outside the purview of Public Service  
Commission—Streamlining of—Further directions  
issued—Regarding.

*Ref.*—1. Govt. Circular No. 14896/BPE-2/91/Pig., dated, 28th  
February 1992.

2. Govt. Circular No. 12068/BPE-2/93/Pig., dated, 1st  
March 1994.

In the Circular first cited, Government have prescribed the  
procedure for recruitment in the Public Sector against posts which are  
outside the purview of the Kerala Public Service Commission. It has  
been specified therein that the principle of communal reservation as  
applicable to Government appointment should be adhered to.

In the Circular second cited, it has been reiterated that each  
Public Sector Undertaking should scrupulously follow the prescribed  
principles of communal rotation.

The Legislature Committee on Welfare of Backward Classes  
recommended that Government should issue immediate directions to  
all Public Sector Undertakings to ensure adequate communal represen-  
tation for Backward Classes in their appointments.

In the above circumstances, all the Public Sector Undertakings are once again directed to ensure that the prescribed percentage representation should be given to all backward class communities as per the approved pattern of communal rotation in respect of appointments which are outside the purview of Public Service Commission. Receipt of the Circular may be acknowledged.

R. C. CHODHURY,  
*Commissioner and Secretary (BPE).*

PLANNING AND ECONOMIC AFFAIRS (BPE)  
DEPARTMENT

No. 11119/BPE-2/96/Pg., Thiruvananthapuram,  
dated, 18th January 1997

*R. C. Chodhury*  
Secretary

CIRCULAR

Sub.—Guidelines for selection and appointment against senior supervisory posts in State Level Public Enterprises

Ref.—Government Circular No. 14896/BPE-2/91/Pg., dated, 28th February 1992.

In the Circular cited above the procedure for direct recruitment in Public Sector against posts which are outside the purview of Kerala Public Service Commission has been prescribed. The question of streamlining the procedure for selection and appointment against senior managerial posts from among the employees of the undertakings has been under consideration of Government. After detailed examination the following procedure is suggested for strict compliance.

1. The appointment or promotion to Senior Managerial positions (where direct recruitment is not made) should be on the basis of merit cum seniority.
2. Against each vacancy in the above-mentioned categories a panel containing at least two names should be prepared in the order of merit from out of the feeder category/categories.
3. The panel should be prepared on the basis of merit cum seniority by a committee to be set up by the Board of Directors with not less than 3 members and at least one of the members of the Committee should be a Government Director. If necessary, the Committee can co-opt. experts from outside.