

# പതിനാലാം കേരള നിയമസഭ

## പത്താം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം.3495, 15/03/2018-ൽ മറുപടിക്ക്

### 'അന്യത്ര സേവന വ്യവസ്ഥ'

	<b>ചോദ്യം</b> <b>ശ്രീ. അടൂർ പ്രകാശ് എം.എൽ.എ</b>	<b>മറുപടി</b> <b>ഡോ.ടി.എം.തോമസ് ഐസക്</b> <b>(ധനകാര്യവും കയറും വകുപ്പ് മന്ത്രി)</b>
(എ)	<p>സർക്കാർ ജീവനക്കാരൻ ജോയിന്റിംഗ് ടൈം എടുക്കാതെ അന്യത്ര സേവനത്തിൽ തുടരവേ പ്രൊമോഷൻ ലഭിച്ചാൽ മാത്രം വകുപ്പിൽ തൊട്ടു ജൂനിയറായ ആൾ പ്രൊമോഷൻ ജോലിയിൽ പ്രവേശിക്കുന്ന ദിവസം മുതലേ ടിയാനം ഉയർന്ന ശമ്പളം നൽകുകയുള്ളൂ എന്ന വ്യവസ്ഥ നിലവിലുണ്ടോ; എങ്കിൽ പ്രസ്തുത ഉത്തരവ് ലഭ്യമാക്കുമോ;</p>	<p>നിലവിലുണ്ട്. കെ.എസ്.ആർ ഭാഗം I ചട്ടം 37 (ബി)-യുടെ താഴെയുള്ള റൂളിംഗ് നമ്പർ. 1 (പകർപ്പ് ഉള്ളടക്കം ചെയ്യുന്നു)</p>
(ബി)	<p>അന്യത്രസേവനവ്യവസ്ഥയിൽ ജോലി ചെയ്യുന്ന ജീവനക്കാരൻ പ്രൊമോഷൻ തസ്തികയിൽ സർക്കാർ അനുമതിയോടെ തുടരുകയും ജോയിന്റിംഗ് ടൈം എടുക്കാതിരിക്കുകയും ചെയ്താൽ എന്തുകൊണ്ടാണ് പ്രൊമോഷൻ തീയതി മുതൽ ഉയർന്ന ശമ്പളം നൽകാത്തതെന്ന് വിശദീകരിക്കുമോ;</p>	
(സി)	<p>മാതൃവകുപ്പിൽ നിലവിലുള്ള ജീവനക്കാരൻ പ്രൊമോഷൻ ലഭിച്ചാൽ ജോയിന്റിംഗ് ടൈം എടുത്തു ജോലിയിൽ പ്രവേശിക്കുന്നതിന് ദിവസങ്ങളോളം താമസിക്കുകയും അന്യത്രസേവനവ്യവസ്ഥയിലുള്ള ആൾ വിടുതൽ ചെയ്യാതെ സർക്കാർ അനുമതിയോടെ ജോലി തുടരുകയും ചെയ്യുമ്പോൾ ഇത്തരത്തിൽ ശമ്പളം നിർണ്ണയിച്ചു നൽകുന്നത് അന്യത്ര സേവന വ്യവസ്ഥയിൽ ജോലി ചെയ്യുന്ന സീനിയറായ ഉദ്യോഗസ്ഥന് നഷ്ടം സംഭവിക്കുന്നു എന്ന വസ്തുത ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ; എങ്കിൽ ആയതു പരിഹരിക്കുന്നതിന് എന്തെല്ലാം നടപടികളാണ് കൈക്കൊണ്ടിട്ടുള്ളതെന്ന് വിശദീകരിക്കുമോ;</p>	<p>ഡെപ്യൂട്ടേഷൻ തസ്തിക ഒരു വകുപ്പിലെ കേഡർ തസ്തികയല്ല എന്നതിനാൽ ഉദ്യോഗക്കയറ്റം നൽകി ഡെപ്യൂട്ടേഷനിൽ തുടരാനനുവദിച്ച സീനിയർ ഉദ്യോഗസ്ഥന് കെ.എസ്.ആർ ഭാഗം I ചട്ടം 37 (ബി)-യുടെ താഴെയുള്ള റൂളിംഗ് അനുസരിച്ച് ജൂനിയർ ഉദ്യോഗസ്ഥൻ കേഡർ തസ്തികയിൽ ചുമതലയേറ്റെടുത്ത തീയതി മുതൽ മാത്രമേ ഉയർന്ന തസ്തികയുടെ സാമ്പത്തിക ആനുകൂല്യങ്ങൾക്ക് അർഹതയുള്ളൂ.</p>
(ഡി)	<p>ഇത്തരത്തിൽ ശമ്പളനിർണ്ണയത്തിൽ അപാകതകൾ സംഭവിച്ചിട്ടുള്ള ജീവനക്കാരൻ എന്തെല്ലാം തുടർനടപടികൾ കൈക്കൊണ്ടാൽ ആയത് പരിഹരിച്ചു നൽകുമെന്ന് ഇനം തിരിച്ച് വ്യക്തമാക്കുമോ;</p>	

(ഇ)	ധനകാര്യ എ.ആർ.സി വകുപ്പിൽ ഇത്തരത്തിലുള്ള പരാതികൾ ലഭിച്ചിട്ടുണ്ടോ; എങ്കിൽ ഏതെല്ലാമെന്ന് വെളിപ്പെടുത്തുമോ;	ഇല്ല; ബാധകമല്ല
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*Sethal*

സെക്ഷൻ ഓഫീസർ

75/Fin.,  
7-1975]76/Fin.,  
1-1976]87/Fin.,  
1-1987]6/77/Fin.,  
6-5-1977]

(i) If the order of reduction lays down that the period of reduction shall not operate to postpone future increments, the Government servant should be allowed the pay which he would have drawn in the normal course but for the reduction. If, however, the pay drawn by him immediately before reduction was below the efficiency bar he should not be allowed to cross the bar except in accordance with the provision of Rule 32, Part I, Kerala Service Rules.

(ii) If the orders specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the Government servant shall be fixed in accordance with (i) above, but after treating the period for which the increments were to be postponed as not counting for increments.

G.O.(P)659/64/Fin.,  
dt. 14-01-1964]  
&

G.O.(P) 262/66/Fin.,  
dt. 16-6-1966]

37.

(a) Subject to the provisions of Rule 33 (c) and Rule 39, an officer holding a permanent or officiating post, if appointed to officiate on a higher time-scale of pay, will draw as initial pay the stage next above his pay in the lower time-scale irrespective of whether the pay in the lower time-scale is a stage in the higher time-scale or not. A refixation will be allowed whenever there is change of pay in the lower time-scale, i.e., when his pay therein becomes equal to or greater than the pay which he draws in the higher time-scale.

(b) In the case of officiating appointments from a higher time scale of pay to a lower time scale of pay, by direct recruitment, the officer's officiating pay in the lower time scale shall be fixed at the minimum of the scale of pay of the new post without considering his pay in the higher time scale except in the cases where such appointments are made in accordance with the Special Rules applicable to such appointment and in the case of such appointments, the Officer's officiating pay in the new time scale shall be fixed at his officiating pay in the previous appointment, if it is a stage in the new time scale or at the next lower stage, if it is not a stage in the new time scale, the difference being treated as personal pay to be absorbed in future increases. But nothing in this sub rule shall apply to cases of reversions.

[G.O.(P).211/05/Fin.,  
dt. 11-5-2005.]

Provided that in cases covered by sub-rules (a) and (b) other than cases of re-employment after resignation, removal or dismissal from public service, the officer has previously either held substantively or officiated in (i) the same permanent or (ii) permanent or temporary post on the same time-scale, or (iii) a permanent post on an identical time-scale or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned and controlled by the Government) on an identical time-scale, then the initial pay shall not, except in cases of reversion to the parent cadre mentioned by item (iii) above, be less than the pay which he drew on the last such occasion and he shall count the period during which he drew that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay. The service rendered in a post mentioned to in item (iii) shall, on reversion to the parent cadre, count towards initial fixation of pay to the extent and subject to the conditions stated below:

- (a) the officer should have been approved for appointment to the particular grade/post in which the previous service is to be counted;
- (b) all his seniors, except those regarded as unfit for such appointment, were serving in posts carrying the scale of pay in which the benefit is to be allowed or in higher posts, whether in the department itself or elsewhere, and atleast one

junior was holding a post in the department carrying the scale of pay in which the benefit is to be allowed ; and

- (c) the service will count from the date his junior is promoted and the benefit will be limited to the period the officer would have held the post in his parent cadre had he not been appointed to the ex-cadre post.

#### Ruling No. 1

When a person in a post (whether within the cadre of his service or not) is for any reason prevented from officiating in his turn in a post on a higher scale or grade borne on the cadre of the service to which he belongs, he may be authorised by special order of the appropriate authority proforma officiating promotion into such scale or grade and thereupon be granted the pay of that scale or grade if that be more advantageous to him on such occasion on which the person immediately junior to him in the cadre of his service (or if that person had been passed over for reasons of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or forgoes officiating promotion of his own volition to that scale or grade, then the person next junior to him not so passed over) draws officiating salary in that scale or grade. But in case, where the person immediately junior to him happens to assume charge of the post on a later date than that of another junior, the senior who is outside the ordinary line shall be eligible for the benefit of proforma officiating promotion with effect from such date as the other junior assumes charge of the post.

[G.O.(P) 417/78/Fr.  
dt. 12-4-1978]

Provided that all persons senior to the persons to whom the benefit under the substantive part of this rule is to be allowed are also drawing, unless they have been passed over for one or other of the reasons aforesaid, officiating salary in the said or some higher scale within the cadre :

Provided further that not more than one person (either the senior most fit person in a series of adjacent persons outside the ordinary line, or if such a person either forgoes the benefit on his own volition or does not require benefits by virtue of his holding a post outside the ordinary line which secures him at least equivalent benefits in respect of salary and pension then the next below the series ) may be authorised to draw the salary of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this rule.

Note 1.- A fortuitous officiating promotion given to a person who is junior to one outside the regular line does not in itself give rise to a claim under the 'Next Below Rule'.

Note 2.- The provisions in item (iii) of the proviso to the above rule in respect of protection of pay and period of increment shall be applicable to Government Servants on their appointment directly or on transfer from a post carrying identical time-scale of pay without fulfilment of the conditions indicated thereunder subject to the condition that this benefit will not be admissible to an individual who enters Government service for the first time from a post in a body incorporated or not which is wholly or substantially owned or controlled by Government.

[G.O.(P) 393/63  
dt. 2-7-63]

#### Ruling No. 2

1. Scope of the term "outside the ordinary line".-The expression "outside the ordinary line" occurring in Ruling No 1 is not intended to be rigidly interpreted as necessary

[G.O.(P) 610/6-  
dt. 27-5-66]

*Blathal*