

പതിനാലാം കേരള നിയമസഭ

അഞ്ചാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ 5746 - 25/05/2017-ൽ മറുപടിയ്ക്ക്

കരാർ ജോലികളിൽ നിയമിക്കപ്പെട്ടവർക്ക് ആർജ്ജിതാവധി

ചോദ്യം

മറുപടി

ശ്രീ.പി.ഉബൈദുള്ള

ശ്രീ.റ്റി.എം.തോമസ് ഐസക്

ബഹു.ധനകാര്യവും കയറും വകുപ്പ് മന്ത്രി

(എ)	<p>വിവിധ വകുപ്പുകളിലും പൊതുമേഖലാ സ്ഥാപനങ്ങളിലും ജോലികളിൽ നിയമിക്കപ്പെട്ടവർക്ക് ആർജ്ജിതാവധി സംവിധാനം നിലവിലുണ്ടോ;</p>	<p>കരാർ അടിസ്ഥാനത്തിലുള്ള നിയമന ഉത്തരവിലോ കരാറിലോ അവധിചട്ടങ്ങൾ കെ.എസ്.ആർ പ്രകാരമാണ് എന്ന് വ്യവസ്ഥ ചെയ്തിട്ടുണ്ടെങ്കിൽ, കരാർ ജോലികളിൽ നിയമിക്കപ്പെട്ടവർക്ക് കെ.എസ്.ആർ, ഭാഗം I, അനുബന്ധം VIII പ്രകാരം 11 ദിവസത്തെ ഡ്യൂട്ടിയ്ക്ക് ഒരു ദിവസം എന്ന നിരക്കിൽ ഒരു വർഷം പരമാവധി 15 ആർജ്ജിതാവധി അനുവദനീയമാണ്.</p>
(ബി)	<p>കരാർ കാലാവധി തീരുമ്പോൾ പ്രസ്തുത അവധി സറണ്ടർ ചെയ്യുവാൻ അവർക്ക് അർഹതയുണ്ടോ;</p>	<p>കെ.എസ്.ആർ, ഭാഗം I, അനുബന്ധം VIII-ലേയും കാലാകാലങ്ങളിൽ സറണ്ടർ സംബന്ധിച്ച് സർക്കാർ പുറപ്പെടുവിക്കുന്ന ഉത്തരവുകളിലേയും നിബന്ധനകൾക്ക് വിധേയമായി ക്രഡിറ്റിൽ അവധി ഉള്ള പക്ഷം സറണ്ടർ ചെയ്യാവുന്നതാണ്.</p>
(സി)	<p>സ്വമേധയാ ഇടയ്ക്കുവച്ച് അവസാനിപ്പിച്ചവർക്കും ആനുകൂല്യം ലഭിക്കുമോ;വിശദമാക്കുമോ;</p>	<p>സർവ്വീസിൽ നിന്ന് വിട്ടുപോകുകയോ രാജിവയ്ക്കുകയോ ചെയ്യുന്ന സർക്കാർ ജീവനക്കാർക്ക് സറണ്ടർ ആനുകൂല്യം അനുവദനീയമല്ല എന്ന് 01/01/2003 തീയതിയിലെ സർക്കുലർ നം.04/2003/ധന -യിൽ (അനുബന്ധം I) വ്യക്തമാക്കിയിട്ടുണ്ട്. സ്വമേധയാ ഇടയ്ക്കുവച്ച് കരാർ അവസാനിപ്പിച്ചവർക്കും പ്രസ്തുത ആനുകൂല്യം ലഭ്യമാകുന്നതല്ല.</p>

(ഡി)	<p>ഇതു ഉത്തരവുകളുടെ ലഭ്യമാക്കുമോ?</p>	<p>സംബന്ധിച്ച പകർപ്പുകൾ കെ.എസ്.ആർ-ലെ പ്രസക്ത ഭാഗം, 20/10/1970 തീയതിയിലെ സ.ഉ. (പി)നം.740/70/ധന, 26/04/1971 തീയതിയിലെ സ.ഉ. (പി)നം.181/71/ധന, 30/01/2006 തീയതിയിലെ സ.ഉ. (പി)നം.47/2006/ധന എന്നീ ഉത്തരവുകളുടെ പകർപ്പ് (അനുബന്ധം II) ഉള്ളടക്കം ചെയ്യുന്നു.</p>
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GOVERNMENT OF KERALA

Finance (Rules) Department

CIRCULAR

No. 4/03/Fin.

Dated, Thiruvananthapuram, 1st January, 2003.

Sub:—Discontinuance of the system of surrender leave salary—Further clarification—Issued.

Ref:—1. Circular No. 32/2002/Fin. dated 17-5-2002.

2. Circular No. 42/97/Fin. dated 22-5-1997.

In the Circular first cited it was clarified that candidates provisionally recruited through Employment Exchange are not eligible for surrender leave salary at the time of termination of service.

As temporary officers, officers appointed on contract basis and re-employed pensioners are also governed by the same leave rules as are applicable to provisional hands, namely rules in Appendix VIII Kerala Service Rules, Government hereby clarify that employees on contract and re-employed pensioners are not eligible for the benefit of surrender of earned leave at their credit at the time of termination of service as in the case of provisional recruits.

Since the benefit of surrender of earned leave stands confined to cases of superannuation alone, the circular second cited permitting surrender of half of earned leave at the credit of those who quit /resign Government service for taking up appointment in Government Company/Corporation or other Autonomous Bodies also is hereby cancelled. In short, it is hereby clarified that the benefit of surrender of earned leave will be admissible only in cases of superannuation or death while in service.

A. PETER HILARY,
Additional Secretary.

GCPT. 4/211/2003/DTP.

To

The Accountant General (A & E), Kerala, Thiruvananthapuram.
All Heads of Departments and Offices.
All Departments (All Sections) of the Secretariat.
The Secretary, Kerala Public Service Commission, Thiruvananthapuram
(with C.L.).
The Registrar, High Court of Kerala, Ernakulam (with C.L.)
The Advocate General, Ernakulam (with C.L.)
The Registrar, University of Kerala/Cochin/Calicut/Mahatma Gandhi
(with C.L.).
The Registrar, Kerala Agricultural University, Thrissur (with C.L.)
The Secretary, Kerala State Electricity Board, Thiruvananthapuram
(with C.L.).
The Managing Director, Kerala State Road Transport Corporation,
Thiruvananthapuram (with C.L.).
The Secretary to Governor.
All Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries,
and Under Secretaries to Government.
The Private Secretary to Chief Minister and other Ministers.
The Private Secretary to Leader of Opposition and Government Chief Whip.
The Joint Secretary to the Chief Secretary.
The Private Secretary to Speaker/Deputy Speaker.

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APPENDIX VIII

RULES FOR THE GRANT OF LEAVE TO OFFICERS
APPOINTED FOR LIMITED PERIODS

(Referred to in Appendix I and Note I below Rule 63 of Part I)

1. Where the appointment is for one year or less, earned leave on full pay calculated at 1/11th of the period spent on duty may be granted subject to a maximum of 15 days on production of medical certificate. If earned leave has been exhausted, leave on medical certificate, on *half pay upto 15 days may be granted subject to the condition that the total period of the two kinds of leave does not exceed one month in the officer's term of service.

If the officer serves in a vacation department, earned leave will not be admissible; but he may be granted, if absolutely necessary leave on medical certificate on *half pay not exceeding 1/11th of the time spent on duty, subject to a maximum of 15 days during the officer's term of service.

*This amendment shall be deemed to have come into force with effect from 1st April 1973.

[G.O.(P) 491/75/Fin.,
dt. 24-10-1975]

2. Where the appointment is for more than one year but not more than five years, earned leave will be admissible at 1/11th of the period spent on duty, subject to the limit of 15 days in a year. Such leave may be accumulated upto a maximum period of two months. Leave on medical certificate on *half pay may also be granted in addition to earned leave subject to a maximum of two months in all during the period of service. In addition, leave without allowances may be granted in special circumstances, when no other leave is admissible, subject to a total maximum limit of three months.

If the officer serves in a vacation department earned leave will not be admissible.

Note.- Maternity leave under Rules 100 and 101 will be admissible to female officers appointed on contract basis continuing in service beyond one year provided they would continue in service but for proceeding on such leave.

*This amendment shall be deemed to have come into force with effect from 26th August 1971.

[G.O.(P) 825/80/Fin.,
dt. 31-10-1980]

3. Where the appointment is for a longer period than five years, but not for an indefinite period, or an original appointment for five years or less is extended so as to make the total period of appointment longer than five years but not for an indefinite period, leave admissible to a permanent officer under the ordinary rules, may be allowed subject to the condition that leave on medical certificate on *half pay will be limited to six months in all. In the case of extension of the original term of appointment to more than five years, the officer will be credited with the earned leave that would have been admissible had the appointment been initially one of more than 5 years diminished by the earned leave already taken and leave on medical certificate on *half pay, if any, already taken, will count against the six months limit prescribed.
4. In the case of an officer falling under Rules 2 and 3 above, earned leave due may be granted after the expiry of the period of appointment, only if the leave has been applied for during the period of appointment and refused owing to the exigencies of the public service. An officer whose services are dispensed with on grounds of ill-health may be permitted to take all the earned leave due to him before his service is terminated.

5. The terms "earned leave" and "leave on medical certificate on half pay" used in these rules have the same meanings as they have in the other rules of the Kerala Service Rules and the leave salary during leave taken under these rules shall be regulated under Rules 92 and 93 of Part I, Kerala Service Rules *.

*This amendment shall be deemed to have come into force with effect from 1st April 1973.

[G.O.(P) 491/75/Fin.,
dt. 24-10-1975]

6. An officer initially engaged for a limited period becomes subject to the ordinary leave rules in their entirety, on his being taken into permanent employment. In such a case, the officer will be credited with all the leave that would have been admissible, had his appointment been one for an indefinite period from the start diminished by the leave already taken. Leave on medical certificate, if any, already taken will count against the maximum limit prescribed.

7. In the case of an officer who has been appointed for a limited period to a temporary post or to a permanent post in an officiating capacity, leave will be granted only on the further condition that his leave vacancy is not filled up and that the leave or any portion thereof will not go beyond the sanctioned period of his service.

Note.- The above rules will not apply to officers who were appointed before the coming into effect of these rules or to officers in whose case the terms of their appointment specifically provide for the grant of leave otherwise than in accordance with these rules.

Government Decision No. 1

Rules in Appendix VIII will apply to provisional recruits in the matter of leave.

[G.O.(P) 103/61/Fin.,
dt. 4-3-1961]

Government Decision No. 2

The leave earned by provisional recruits during provisional service diminished by the leave, if any, already taken will be carried forward on regularisation of their provisional appointment without any interruption.

[G.O.(P) 388/70/Fin.
dt. 3-6-1970]

The provisional recruits will be eligible for the leave admissible to regular employees only from the date of regularisation of appointment.

[G.O.(P) 322/93/Fin.,
dt. 12-5-1993]

Government Decision No. 3

An officer on contract appointment will be credited with the leave earned by him in his previous contract appointment (s) diminished by the leave, if any, already taken even if the appointments are not in the same post provided there is no break between the appointments.

[G.O. (P) 499/71/Fin.,
dt. 23-8-1971]

Government Decision No. 4

Officers appointed on a fixed monthly honorarium against regular sanctioned post will be governed by the leave rules in this Appendix. The benefit of surrender of earned leave will be allowed to them as in the case of provisional employees.

[G.O. (P) 55/74/Fin.,
dt. 7-3-1974]

admissible, subject to a maximum of 30 days and will be sanctioned leave allowance for the leave so surrendered.

(b) Officers will be allowed to surrender earned leave subject to a maximum of 15 days once in 12 months without availing of earned leave at the same time and they will be paid leave allowance for the leave so surrendered.

(By order of the Governor)
P. VELAYUDHAN NAIR,
Finance Secretary.

GOVERNMENT OF KERALA
Finance Department

G.O.(P) No. 740/70/Fin., dated, Trivandrum, 20th October 1970.

Abstract.—Rules—Earned leave—Surrender of—Eligibility to Provisional hands—Orders—Issued.

- Read.—1. G.O.(P) No. 170/68/Fin., dated 26th April 1968.*
2. G.O.(P) No. 605/70/Fin., dated 26th August 1970.

ORDER

Government are pleased to clarify that the benefit of surrender of earned leave sanctioned in the G.Os. read above is admissible to provisional hands also. The provisional hands who have not completed a year's service but who have earned leave to their credit will also enjoy the benefit of such surrender. The condition regarding production of medical certificate for grant of earned leave to such provisional hands stipulated in rule 1 of Appendix VIII, Kerala Service Rules will be waived for the limited purpose of surrender of earned leave.

(By order of the Governor)
P. VELAYUDHAN NAIR,
Finance Secretary.

GOVERNMENT OF KERALA
Finance Department

G.O.(P) No. 794/70/Fin., dated, Trivandrum, 10th November 1970

Abstract.—Rules—Earned leave—Surrender of—Clarification—Issued.

- Read.—1. G.O.(P) 170/68/Fin., dated 26th April 1968.*
2. G.O.(P) 605/70/Fin., dated 26th August 1970.

ORDER

Heads of Departments and other officers have raised certain points of doubt in respect of the orders issued in the Government orders cited. Government are pleased to issue the following clarifications:

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surrender with sufficient leave to their credit and continue on earned leave for 30 days from the date of issue of the G.O. In these cases the surrender will be deemed to have effect from 26th August 1970 and they will not be treated as cases of retrospective surrender.

P. SUBBIAH PILLAY,
Under Secretary.

GOVERNMENT OF KERALA

Finance Department

G.O.(P) No. 181/71/Fin., dated, Trivandrum, 26th April 1971.

Abstract.—Rules—Earned leave—Surrender of—Officers on contract appointment also eligible—Orders issued.

- Read.*—1. G.O.(P) No. 170/68/Fin., dated 26th April 1968.
- 2. G.O.(P) No. 605/70/Fin., dated 26th August 1970.
- 3. G.O.(P) No. 740/70/Fin., dated 20th October 1970.

ORDER

In the Government Order read as third paper above Government have extended the benefit of surrender of earned leave to provisional hands. Applications are being received from certain officers appointed on contract basis also, for surrender of earned leave.

As the officers appointed on contract basis too are governed by the same leave rules as are applicable to provisional hands, namely rules in Appendix VIII, Kerala Service Rules, Government are pleased to order that the benefit of surrender of earned leave sanctioned in the Government orders read as papers 1 and 2 above will be extended to the officers on contract appointment also. The condition regarding production of medical certificate for grant of earned leave to such officers on contract appointment stipulated in Rule 1 of Appendix VIII, Kerala Service Rules will be waived for the limited purpose of surrender of earned leave.

These orders will be deemed to have come into force with effect from 12th March 1971.

(By order of the Governor)
P. SUBBIAH PILLAY,
Under Secretary.



GOVERNMENT OF KERALA

Abstract

SURRENDER OF EARNED LEAVE TO PROVISIONAL HANDS—FURTHER ORDERS—ISSUED

FINANCE (RULES) DEPARTMENT

G. O. (P) No. 47/2006/Fin. Dated, Thiruvananthapuram, 30th January, 2006.

Read:—1. Circular No. 85/03/Fin. dated 16-10-2003.

2. DO Letter No. Co-ord.II/12-28/Leave/Vol. XXV/10/114 dated 5-8-2005 from Dy. Accountant General (A/c. & VLC).

ORDER

As per the Circular 1st cited, it has been clarified that the benefit of encashing the entire earned leave at credit is not admissible to provisional employees, those appointed on contract basis and re-employed pensioners. The Deputy Accountant General (A/c. & VLC) in his DO letter 2nd cited has pointed out that if provisional hands appointed for 179 days, or teaching staff appointed till the end of academic year or in any case not exceeding one year without break, do not avail surrender facility/leave on medical certificate while in service, the leave earned will lapse. As this is a disparity, the Accountant General has requested to examine the matter further and to issue specific instructions regarding the eligibility of provisional hands etc. for earned leave surrender, both terminal and periodical.

2. Government have examined the matter in detail and are pleased to clarify that provisional hands recruited through Employment Exchange, re-employed pensioners and contract employees, appointed for short periods and whose service is dispensed with before completion of 5 years and whose eligibility for earned leave is as per the rules in Appendix VIII of Kerala Service Rules, will be permitted terminal surrender, provided they had not availed periodical surrender admissible as per the orders issued by Government from time to time. But those whose services are dispensed with after completion of 5 years and who become eligible for earned leave as in the case of regular

GCPT. 4/608/2006/DTP.

employee under Rule 3 of Appendix VIII will not be allowed terminal surrender of earned leave credited with, on recalculating the earned leave as specified therein.

By order of the Governor,

K. JOSE CYRIAC,

Principal Secretary, (Finance).

To

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General (A & E), Kerala, Thiruvananthapuram.

All Heads of Departments and Offices.

All Departments (all Sections) of the Secretariat.

The Secretary, Kerala Public Service Commission, Thiruvananthapuram

(with C.L.)

The Advocate General, Ernakulam (with C.L.)

The Registrar, High Court, Ernakulam (with C.L.)

The Registrar, Kerala Lok Ayukta, Kesavadasapuram, Thiruvananthapuram.

The Secretary, Ombudsman, Thiruvananthapuram.

The Advocate General, Ernakulam (with C.L.)

The Registrar, University of Kerala/Kochi/Kozhikode/Mahatma Gandhi

(with C.L.)

The Registrar, Kerala Agricultural University, Thrissur (with C.L.)

The Secretary, Kerala State Electricity Board, Thiruvananthapuram

(with C.L.)

The General Manager, Kerala State Road Transport Corporation,

Thiruvananthapuram (with C.L.)

The Secretary to Governor.

All Principal Secretaries/Secretaries/Additional Secretaries/Joint

Secretaries/Deputy Secretaries and Under Secretaries to Government.

The Private Secretary to Chief Minister and other Ministers.

The Private Secretary to Leader of Opposition and Government Chief Whip.

The Additional Secretary to the Chief Secretary.

The Director of Public Relations, Thiruvananthapuram.

SECRETARY TO GOVERNOR