

Public service- Government Servant under suspension on Charges of Misconduct Etc.
Retirement – Procedure- Orders passed.

Public (Service C) Department

G.O.Ms.No.394 Public

Dated: Trivandrum 23-3-1959

ORDER

Rule 12(1) of the Kerala Civil Services (Classification , control & Appeal) Rules, 1957 as amended by G.O .Ms No.121/59, Public (Services) dated 27-1-1959 lays down that the appointing authority or any authority to which it is subordinate or any other authority empowered by the Government in this half may place a member of a service under suspension where (a) an enquiry into his conduct is contemplated or is Pending or (b) a complaint against him or any criminal offence is under investigation or trial , Provided that the charge to be enquired into or the criminal offence as the case may be, is grave and that such suspension is deemed necessary in the Public interest. A question has arisen whether Government Servants under suspension on a charge of misconduct who are due to retire should be required or permitted to retire on his reaching superannuation

Under T.S.R. and C.S.R. there is no specific provision governing such cases. There is specific provision in this regard embodied in rules 56 (c) of the Madras Fundamental Rules according to which a Government servant under suspension on a charge of misconduct should not be required or permitted to retire on his reaching the date of compulsory retirement , but should be retained in service until the enquiry into the charge is concluded and final orders passed thereon by the competent authority . Governments consider that a common rule based on the provision of Madras Fundamental Rule should be made application to all Government servants in kerala and they are according pleased to pass the following orders:-

A Government servant under suspension on a charge of misconduct should not be required or permitted to retire on his reaching the date of superannuation, but should be retained in services until the enquiry into the charge is concluded and a final order passed thereon by the competent authority. If he is finally exonerated, he shall be considered to have on extension of service for the period from the date of superannuation to the date of actual retirement. If he is not finally exonerated , he will be paid such proportion of pay and allowance as the competent authority day prescribe under sub rule (b) of Rule 34 of the Kerala Civil Service(Classification, Control & Appeal) Rules, 1957.

The public (Service D) department will issue necessary amendments to the Kerala Civil Service (Classification, Control and Appeal) Rules, 1957.

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(By Order of the Governor)

Sd/-V. Raman,
Assistant Secretary.

To
The Heads of Departments.

Endt.R.Dis.203/59 dated 3-4-1959

Copy communicated to all subordinate officers for information and
Guidance.

Copy to P.A.T.A Superintendents, stock file, F1, F2, F3, G1, G2 and G3.

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G. Moni.
For Chief Conservator