



GOVERNMENT OF KERALA

Abstract

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Farook College

Reckoning of aided school service and aided college service for pension-
Modification Orders- issued.

FINANCE (PENSION - B) DEPARTMENT

G.O.(P).No. 21/2018/Fin. Dated, Thiruvananthapuram, 16 th February 2018

- Read :-
1. G.O (P) No: 66/2016/Fin dated 09.05.2016.
 2. G.O (P) No: 113/2016/Fin dated 05.08.2016.
 3. Judgment dated 14.08.2017 in WP(C) No: 30167 of 2016 and connected cases.
 4. Judgment dated 16.09.2017 in WP(C) No: 28988 of 2017 and connected cases.

ORDER

1. As per the Government Order read 1st above, Government have clarified that Aided college service of Aided school staff prior to entry in regular aided school service shall not be counted for pension along with aided school service and vice versa. It was also clarified that provisional aided school / college service of regular full time aided school staff prior to entry in regular aided school service shall not be counted for pension with full time regular aided school service. As per the Government Order read 2nd above modification was issued so that Regular / Broken spells including leave vacancy of aided school / aided college service of regular

aided school / aided college staffs shall not be counted for pension with full time regular aided school / college service.

2. Various Writ Petitions were filed by retired as well as serving aided school teachers against Government Orders read 1st and 2nd above before Hon'ble High Court. In the judgment read 3rd above the Government orders read 1st and 2nd above to the extent they relate to any kind of service in aided schools, rendered prior to the regular service in aided schools or aided colleges and to the extent it is given retrospective effect have been set aside. The reason for taking such a stand is that as per rule 14 E (a) of Part III KSRs all kinds of prior aided school service of Government employees are permitted to be reckoned for pensionary benefits. Also, in case of those Petitioners who were in service as on 9th May 2016 the writ petitions filed by them were considered pre mature and it was categorically stated that they would be governed by the rules /orders in force at the time of retirement.

3. In the Judgment read 4th above it was observed that in order to reckon the previous service in private colleges rendered by teachers of Government colleges, the service in the private college should be full time as well as regular. Going by that provision, in the case of the private college teachers also in order to count the prior service in aided colleges, as in the case of Government college teachers, the service should be full time and regular. The broken spells of provisional service rendered by them in leave vacancies in the private colleges prior to their entry in regular service cannot be reckoned as qualifying service.

4. Government after examining the matter in detail and considering the directions of Hon'ble High Court in various writ petitions, are pleased to modify the Government Orders read 1st and 2nd as follows:

- (i) Regular aided school service shall be reckoned along with regular aided college service and vice versa.
- (ii) The broken spells of provisional service/ leave vacancy service rendered by regular aided College staff or regular aided School staff / Government employees in aided schools prior to their entry in regular service shall not be reckoned as qualifying service w.e.f 9 th May 2016 .
- (iii) The broken spells of provisional service / leave vacancy service rendered by regular aided College staff or regular aided School staff/Government employees in aided colleges prior to their entry in regular service shall not be reckoned as qualifying service w.e.f 30.07.1979 as per clause (b) of rule 14 E of Part III KSR.
- (iv) Government decision no: 8(i) below Rule 14 E (a) and Note 3 below Rule 31 shall be deleted with effect from 9 th May 2016.
- (v) Necessary amendments to the relevant rules in Part III KSR shall be issued separately.

By Order of the Governor,

DR. SHARMILA MARY JOSEPH IAS

Secretary Finance (Expenditure).

To

The Principal Accountant General (A&E), Kerala, Thiruvananthapuram.
The Principal Accountant General (G&SSA), Kerala, Thiruvananthapuram.
The Accountant General (E&RSA), Kerala, Thiruvananthapuram.
All Heads of Departments and Offices.
All Departments (All Sections) of the Secretariat including Law Department.
The Secretary, Kerala Public Service Commission, Thiruvananthapuram

All Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government.
The Secretary to Governor.
The Private Secretaries to Speaker, Deputy Speaker, the Leader of Opposition and Government Chief Whip.
The Private Secretaries to Chief Minister and other Ministers.
The Additional / Deputy Secretary to Chief Secretary.
The Secretary, Ombudsman for Local Self Government Institutions, Thiruvananthapuram.
The Secretary, Kerala State Human Rights Commission, Thiruvananthapuram.
The Registrar, High Court, Ernakulam .
The Registrar, Kerala Lok Ayukta, Thiruvananthapuram.
The Director of Treasuries , Thiruvananthapuram.
The Director, Information and Public Relations, Thiruvananthapuram.
The Director of Public Instructions, Thiruvananthapuram.
The Advocate General, Kerala, Ernakulam.
The Special Government Pleader (Finance), O/o the Advocate General, Kerala, Ernakulam.
The Liaison Officer (Finance), O/o the Advocate General, Kerala, Ernakulam.
The Chief Information Commissioner, Kerala, Thiruvananthapuram.
All District Treasury Officers/Sub Treasury Officers.
The Public Relation Department.
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Section Officer