



**GOVERNMENT OF KERALA**

**Personnel and Administrative Reforms (Advice-C) Department**

**NOTIFICATION**

**G.O.(P)No.9/2021/P&ARD Dated,Thiruvananthapuram,30/11/2021**

**S.R.O No. /2021** .- In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968(19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala Government Servants' Application for Posts (Private Employment and Government Service) Rules, 1958, namely:-

**RULES**

1. *Short title and commencement.*-(1) These rules may be called the Kerala Government Servants' Application for Posts (Private Employment and Government Service) Amendment Rules, 2021.

(2) They shall come into force at once.

2. *Amendment of the Rules.*- In the Kerala Government Servants' Application for Posts (Private Employment and Government Service) Rules, 1958, in rule 2(A),-

(1) for the existing provisos to clause (a) of sub-rule (2) and the note thereunder, the following proviso shall be substituted, namely:-

'Provided that a Government servant employed in a service under the administrative control of the Government of Kerala while applying for a post in another office or Department of the Government of Kerala, in response to notification of the Kerala Public Service Commission, shall furnish the fact

of his employment in the respective column of the application and shall produce a service certificate from the Head of Office proving his employment at the time of verification by the Commission.’

(2) after clause (a) of sub-rule(2) and the proviso thereunder, the following clause shall be inserted, namely:-

“(aa) Notwithstanding anything contained in sub-rule (1)of rule 2(A) and clause(a) of sub-rule(2) of rule 2(A), the said provisions shall not be applicable when an in-service candidate applies to a post in the same department to the quota earmarked for such appointment.”

(3) in Clause (c) of sub-rule (2), for the words, brackets and letters “clauses (a) and (b)”, the word, brackets and letter “Clause (b)” shall be substituted.

By order of the Governor,

Dr. Asha Thomas IAS

Additional Chief Secretary to Government.

### **Explanatory Note**

( This does not form part of the notification, but is intended to indicate its general purport.)

As per the Kerala Government Servants’ Application for Posts (Private Employment and Government Service) Rules, 1958, Government servants employed in a service under the administrative control of Government of Kerala while applying for a post in another office or Department of Government of Kerala through on-line facility or otherwise, shall produce a Receipt signed by the Head of office that he has received a copy of application and that he will communicate his objections, if any, to the entertainment of the application within one

month from the last date fixed for receipt of application, before the Kerala Public Service Commission or to the District Office, as the case may be, as and when called for before the Commission. It has been noticed that the present procedure causes much inconvenience to the applicants who aspire better job prospects. Hence, the Government have decided to simplify the present procedure and sought the advice of the Kerala Public Service Commission. The Kerala Public Service Commission has advised to simplify the rules to the effect that applicant need only to furnish the fact of his present employment in the respective coloumn of the application and subsequently producing a service certificate, from the Head of office to that effect at the time of verification by the Commission.

In the judgment of the Honourable High Court of Kerala in OP (KAT) No.259 of 14 dated 25<sup>th</sup> September, 2019 it is observed that “Neither Rule 2(A) nor Rule 2(2)(a) of the Rules applies when an in-service candidate applies to a post in the same department to the quota earmarked for him as a graduate. The necessity for a certificate in terms of rule 2(A) and Rule 2(a) of the Rules is to ensure that the Head of the Office or Department has no objection in relieving the applicant from the post which he is now holding. The certificate will also ensure that the conduct of the applicant in the past has not been blame worthy and he is fit to be considered for selection to the promoted post. Such a certificate is wholly irrelevant when the Head of the Office or the Department is in the same wing- the present post and the promoted post- like the Police Department here.” On the basis of this, the Public Service Commission has advised the Government to incorporate a provision in accordance with the above mentioned observation in the amendment of the said Rules. Government have accepted the advice of the Commission and decided to amend the said Rules suitably.

The notification is intended to achieve the above object.