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5/11/20

# കേരള ഗസറ്റ് KERALA GAZETTE

## അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
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### GOVERNMENT OF KERALA

Finance (Pension - B) Department

### NOTIFICATION

G.O. (P) No.130 /2020/Fin

Dated 1<sup>st</sup> October, 2020

S. R. O. No. 637/2020

Thiruvananthapuram

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 Service Rules, namely:-



## RULES

1. *Short title and commencement.*- (1) These rules may be called the Kerala Service (Fourth Amendment) Rules, 2020.

(2) They shall be deemed to have come in to force at once.

2. *Amendment of the Rules.*- In Part III of the Kerala Service Rules,-

(1) for Rule 57, the following rule shall be inserted, namely:-

“ 57 - The amount of pension that shall be granted is determined by the length of service as set forth in rules 64 and 65. Qualifying service for the minimum pension shall be 10 years and maximum pension shall be 30 years respectively. In calculating the length of qualifying service, fraction of a year equal to three calendar months and above but less than nine calendar months would be treated as half year and the period of nine calendar months and above would be treated as a completed year.

Provided that for the purpose of minimum service (ie 10 years) for pension even a day above 9 years will be rounded to the next completed year ie. 10 years.

Provided further that for calculating the qualifying service, a month shall be a calendar month irrespective of the days contained in it and a year shall mean a calendar year. The completed years of service shall be taken first, and then completed calendar months.

If the total number of remaining days plus an extra day for each leap year in the entire service is 30 days or more, it can be considered as an additional month.

Further, calculation of the period of additions to qualifying service, non qualifying service, if any, also shall be calculated applying the same principle". Illustrations for calculating the pension are given in APPENDIX below:-

### APPENDIX

#### Illustration: 1

Mr X was appointed in service on 29.11.1990 and was retired on superannuation on 31.05.2014, his date of birth being 05.05.1958. His qualifying service shall be calculated as follows:

Completed calendar years of service: 01.01.1991 to 31.12.2013 Total - 23 years

Completed calendar months of service 01.12.1990 to 31.12.1990 : 1 month

01.01.2014 to 31.05.2014 : 5 months Total - 6 months



Left over days from 29.11.1990 to 30.11.1990 - 2 days

Number of leap years in entire service(1992,1996,2000,2004,2008,2012) - 6 days Total – 8 days

Total Qualifying service is 23 years 6 months and 8 days less non qualifying service, if any, is rounded to 23.5 years.

**Illustration: 2**

Mr Y was appointed in service on 03.01.1995 and was retired on superannuation on 31.03.2014, his date of birth being 05.03.1958. His qualifying service shall be calculated as follows:

Completed calendar years of service: 01.01.1996 to 31.12.2013 Total - 18 years

Completed calendar months of service 01.02.1995 to 31.12.1995 : 11 months

01.01.2014 to 31.03.2014 : 3 months Total 14 months ie.1 year 2 months

Left over days from 03.01.1995 to 31.01.1995 : 29 days

Number of leap years in entire service (1996,2000,2004,2008,2012) : 5 days Total - 1 month and 4 days

Total Qualifying service is 19 years 3 months and 4 days less non qualifying service, if any, is rounded to 19.5 years

**Note:** Head of the Department/ Pension Sanctioning Authority should verify the extra days in leap year for qualifying service based on the Attendance Register/ Pay Bill Register/ Acquaintance Role and Service Book of the employee. In the case of Gazetted employees, Accountant General should verify the Entitlement Register. After verification , the authority should affix the following certificate in the Service Book / Verification Report of Gazetted Employees.

**(Certificate)**

No.

Place

Date

This is to certify that as per Attendance register/Pay bill register/ Acquaintance Role and Service Book of Sri./Smt....., PEN....., Designation .....  
Name of Office..... is in regular service on the 29<sup>th</sup> day of February of the leap years in his/her entire period of service. He/She is in regular service during the following leap years.



1. 1988 February 29
2. 1992 February 29
3. 1996 February 29
4. 2000 February 29
5. ....
6. ....

Office Seal

Name, PEN, Designation & Signature  
of the Head of Office

(2) for Rule 64, the following rule shall be substituted, namely:-

64 - The amount of service gratuity will be the appropriate amount set out below:

Completed year of qualifying service	Scale of gratuity or pension
1.	1 month's emoluments
2.	2 month's emoluments
3.	3 month's emoluments
4.	4 month's emoluments
5.	5 month's emoluments
6.	6 month's emoluments
7.	7 month's emoluments
8.	8 month's emoluments
9.	9 month's emoluments



(3) for rule 65, the following rule shall be substituted, namely:-

65 - The amount of pension, superannuation, invalid, compensation and retiring pension will be calculate as set out below:-

a) Maximum Pension:- Fifty percentage of last ten months' average emoluments subject to the maximum limit for pension prescribed by the Government from time to time.

b) Proportionate pension:- Proportion of maximum pension based on the Qualifying Service.

$$\text{Pension} = (\text{Average Emoluments}) \times (\text{Qualifying Service})/2 \times 30$$

By order of the Governor,  
RAJESH KUMAR SINGH IAS  
*Additional Chief Secretary to Government.*

### Explanatory Note

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

In the judgment in WP(C)No.10405/2009 the Hon'ble High Court has observed that the impact of leap years has not been taken in to account for reckoning qualifying service and for every leap year there will be an extra day and hence the petitioner gained six extra days. Even though the case was dismissed, the case has been renowned as a case filed for counting the extra days of leap year for pensionary benefits. A lot of petitions were filed in various courts for getting the above said benefits. It will result in time loss as well as financial loss to the Government and, in these circumstances, Government have decided to amend rule 57,64,65 of Part III of Kerala Service Rules suitably.

The notification is intended to achieve the above object.

