



# KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

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## GOVERNMENT OF KERALA

### Personnel and Administrative Reforms (Rules) Department

#### NOTIFICATION

G. O. (P) No. 2/2010/P&ARD. Dated, Thiruvananthapuram, 19th February, 2010.

**S. R. O. No. 213/2010.**—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala, hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

#### RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 2010.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala State and Subordinate Services Rules, 1958, in part II, in rule 5, for Note (2), the following Note shall be substituted, namely:—

“(2) The vacancies on account of leave and deputation with a duration of less than six months shall be treated as vacancies of short duration, provided, such vacancies with a duration of three months to six months should not be treated as vacancies of short duration, if the vacancies are likely to last long or new vacancies are likely to arise”.

By order of the Governor,

T. J. MATHEW,

*Secretary to Government.*

#### Explanatory Note

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

As per the instructions in para 1 (iii) of the Circular No. 1634/Adv.C3/99/P&ARD dated 18th February, 1999 even vacancies of short duration that is three months or more, on account of leave or deputation are to be reported to the Public Service Commission. As per rule 5 (b) of Part II, of the Kerala State and Subordinate Services Rules, 1958 a person shall be recruited direct only against a substantive vacancy which does not include a vacancy of short duration and as per Note (2) under rule 5 leave vacancies and vacancies of less than six months duration shall be treated as vacancies of short duration.

The Hon'ble High Court in its judgment dated 12th November, 2007 in W. P. (C) No. 23063 of 2007 directed the Government to take steps to remove the contradiction in the instructions in para 1 (iii) of the Circular No. 1634/Adv.C3/99/P&ARD dated, 18th February, 1999 and the provision in Note (2) under rule 5 part II, of the Kerala State and Subordinate Services Rules, 1958. Government have decided to make amendments to the Note (2) in rule 5 of Part II, of the Kerala State and Subordinate Services Rules, 1958 in accordance with the instructions to para 1 (iii) of the Circular dated, 18th February, 1999.

This notification is intended to achieve the above object.