



GOVERNMENT OF KERALA

Finance (Rules) Department

CIRCULAR

No. 65/94/Fin.

Dated, Thiruvananthapuram, 26th November, 1994.

*Sub.*—Kerala Service Rules—Reinstatement of officers after Suspension—Period of suspension—Treatment of—Procedure to be followed—Instructions issued.

The procedure to be followed in fixing the pay and allowances of a suspended officer on reinstatement is laid down in Rule 56B, Part I, Kerala Service Rules. When an officer under suspension is reinstated the authority competent to order such reinstatement has to issue a specific order, after the disciplinary proceedings are over, regarding—

- (i) the pay and allowances to be paid during the suspended period, and
- (ii) whether or not the period will be treated as duty.

2. The period can be treated as duty for all purposes, including pay and allowances, only when the officer is wholly exonerated of all the charges. In all other cases, except those covered by Rule 56B (2) *ibid* (where an officer under suspension dies before the disciplinary or court proceedings initiated against him are completed), the Competent Authority has to first give a notice to the officer of the quantum of pay and allowances proposed to be given and whether or not the period of suspension will count for any specified purpose like increment, leave, pension or grade in accordance with Rule 56B(5) and (7) *ibid*. The final orders should be issued only after considering the representation, if any, submitted by the officer within the stipulated period.

3. The Competent Authorities are empowered to fix the quantum of pay and allowances for the period as any amount not less than the subsistence allowance but not amounting to the full salary—Rule 56B (9) *ibid*. This should be done after taking into consideration the gravity of the offence, the punishment awarded and the circumstances of the particular case. Similarly the Competent Authorities have discretionary powers to

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reckon the period of suspension for all service benefits or for any specified purpose like increment, leave, pension etc., depending upon the merit in each case.

4. If no orders are passed directing that the period will be reckoned for any specified purpose the period of suspension should be treated as non-duty without forfeiture of past service.

5. The Competent Authorities are not however empowered to treat periods of suspension as leave, *suo-motu*. Therefore such periods should not in any case be ordered to be treated as leave without the consent of the officer. It is for the officer concerned to apply for leave if he so desires. Such a request to convert a period of suspension into leave may be considered in accordance with rules and ordinary leave, due and admissible, may be sanctioned for the period. The kinds of ordinary leave that can be granted in this respect are earned leave, half-pay leave, commuted leave and leave without allowances. In short, the option to convert a period of suspension into leave as well as the choice of the kind of leave rests with the officer concerned. But once a period of suspension is converted into leave with or without allowances, recovery of the subsistence allowance already paid is inescapable because the conversion of the period into leave will have the effect of vacating the order of suspension.

6. Another point to be borne in mind, when an officer under suspension is reinstated, is that orders revoking the suspension should also contain directions as to where the officer is to report for duty. As far as possible, posting orders should be issued along with the orders revoking the suspension. This is essential to avoid abnormal time lag between the date of issue of revocation of suspension and the date of joining duty by the officer. Cases of abnormal time lag in this connection will be dealt with in accordance with Note 2 below Rule 56 B, Part I, Kerala Service Rules. But if the delay is due to failure in issuing posting orders in time and the period is eventually treated as duty, the amount paid as salary to the officer during the period will be recovered from those responsible for the delay in terms of Note 4 below Rule 12 (7) *ibid*.

7. All Competent Authorities are directed to adhere to the rules in Rule 56B, Part I, Kerala Service Rules scrupulously and to follow the above procedure strictly while dealing with disciplinary cases involving suspension of officers.

K. M. CHANDRASEKHAR,

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The Accountant General (A&E/Audit), Kerala, Thiruvananthapuram.

All Heads of Departments and Offices.

All Departments (All Sections) of the Secretariat.

The Secretary, Kerala Public Service Commission, Thiruvananthapuram (with C.L.).

The Registrar, University of Kerala/Cochin/Calicut/Mahatma Gandhi (with C.L.)

The Registrar, Kerala Agricultural University, Thrissur (with C.L.).

The General Manager, Kerala State Road Transport Corporation, Thiruvananthapuram (with C.L.)

The Registrar of High Court, Ernakulam (with C.L.).

All Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government.

The Secretary to Governor.

The Private Secretaries to the Chief Minister and other Ministers.

The Private Secretaries to the Leader of Opposition and Government Chief Whip.

The Under Secretary to the Chief Secretary.

The Director of Public Relations Department, Thiruvananthapuram.

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